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Personnel Operations For Smaller Ontario Municipalities:

An Introduction

October 1984

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Personnel Operations For Smaller Ontario Municipalities:

An Introduction

PREPARED FOR

THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

PROVINCE OF ONTARIO

UNDER A MUNICIPAL ACTION '85 GRANT

Ontario

Ministry of
Municipal Affairs
and Housing

Honourable
Claude F. Bennett
Minister

Ward Cornell
Deputy Minister

October 1984

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FOREWORD

This publication has been prepared for use by Ontario's smaller municipalities under the Government of Ontario's Municipal Action '85 grant program. Intended as a guide for those concerned with personnel matters, its purpose is to support and strengthen the autonomous provision of local government services in municipalities where staff resources are necessarily limited. The author is Eric Hardy, a management consultant who for twenty-three years has headed his own small firm, which specializes in local government matters.

In developing the book's content, the author has benefited greatly from the following sources:

1. Five municipalities -- the Town of Ajax, the Town of Kapuskasing, the Township of Kingston, the County of Oxford and the City of Port Colborne -- undertook to sponsor discussions with selected groups of their municipal councillors, administrative staff and line workers and to offer constructive criticism of the text in draft.

2. The Ontario Municipal Personnel Association set up a special committee to advise on proposed content and to offer constructive criticism of the text in draft. Its members were the following personnel services officials: Grant Armstrong, City of Nepean; John Kentner, City of Guelph; Norm Lemke, County of Renfrew; and Jack Yeo, Regional Municipality of Niagara and OMPA president.

3. Three well-qualified officials agreed to read the draft and provide comments: Sheila Gordon, Executive Director, Ontario Municipal Management Development Board; Gordon Gunning, Secretary-Treasurer of both the Association of Municipal Clerks and Treasurers of Ontario and the Ontario Municipal Administrators Association; and C.T.C. (Cy) Armstrong, Co-ordinator, the Regional Municipality of Hamilton-Wentworth, and past president of the OMMDB, the OMAA and the Canadian Association of Municipal Administrators.

The text has also been reviewed by the Board of Directors of the Association of Municipal Clerks and Treasurers of Ontario which recommends that it be required reading for those who must develop and administer personnel matters. The author of course takes full responsibility for the content as submitted to the Ministry.

The author also wishes to acknowledge the help and encouragement that has been provided through each stage of the undertaking by officials within the Ministry of Municipal Affairs and Housing.

The intention is to update this publication periodically in order that it may continue to serve the current needs of municipal councillors, administrative officials and line workers.

AN INTRODUCTION TO PERSONNEL OPERATIONS FOR SMALLER ONTARIO MUNICIPALITIES

LET US BEGIN

This short book has been developed to assist Ontario's smaller municipalities to make the best use of their human resources in carrying out their public responsibilities. We might perhaps define a smaller municipality simply as one whose staff establishment is not large enough to include a personnel services official. Such municipalities should benefit from having on hand a carefully organized, readily accessible collection of reliable information and opinion on personnel matters. That is what this book seeks to provide.

The people who are engaged in operating a municipality may be classified in three categories: members of council or associated governing bodies; management staff; and line staff thoughout the municipal administration. The handbook has been prepared in consultation with people serving in each of these capacities. It is intended to support the needs of each.

The text should help council members to understand what it means to take responsibility for a diversified, continuing corporate undertaking. It should stimulate management staff to a greater awareness of their personnel management responsibilities. It should help line staff to relate well to management, stimulate their performance and increase their work satisfactions.

The aim of this handbook is to provide basic information and sound opinion on personnel matters and to present it constructively. It should strengthen the morale of all the participants in municipal government. It should encourage the municipal council and the management staff to give sufficient attention to personnel matters. It should help to ensure that employees receive fair and consistent treatment by management and respond positively to it. It should help to stabilize human relations among all those responsible for local government operations.

We recognize some sharply differing conditions among the municipalities for which this book has been written: rural, urban and mixed urban-rural municipalities; single-, lower-, and upper-tier municipalities; local municipalities ranging in permanent population from a handful with under one hundred people to several with over thirty thousand; and upper-tier municipalities serving up to eighty-five thousand people.

One notable difference affecting the use of manpower is in the extent of union coverage. In some of the municipalities that the handbook will serve, non-management personnel is completely unionized except for one or two confidential secretaries to management. In others, non-management staff is either partially unionized or wholly without union organization.

Another difference affecting management of staff is the form of organization under which each municipality operates. In Ontario, the two commonest forms of organization are the traditional council-committee system and the council-chief administrative officer system. The former emphasizes the management responsibilities of heads of departments, the latter the overall control of management by the CAO.

Despite such sharp contrasts, we see much community of interest among these widely different municipalities in their concerns with municipal employees and in the approaches that are suitable in dealing with these people.

A handbook for use by over seven hundred municipalities should not attempt to dictate specific courses of action. But it can provide a checklist of subjects of importance and suggest some sound choices for action to those people who are concerned with manpower's contribution to local government performance. In being no more specific than that, we acknowledge the fundamental right to local autonomy in each Ontario municipality.

The subject matter of the handbook is covered under fifteen chapter headings. A final chapter summarizes the topic coverage and offers concluding comment. Most of the topics are closely interrelated and it has been almost impossible to avoid some repetition. Perhaps a little repetition is not a bad thing; it may put issues in context.

THE MUNICIPAL ORGANIZATION

As background to our discussion of personnel matters, it is useful to make brief reference to the municipal organization in this province.

A municipality is a public corporation. It exists to provide services, and perhaps some goods -- for example, piped water -- to the community within its boundaries. It also exercises some control over the community in the interests of social harmony. To conduct its business, a municipality must have some settled form of organization. This will consist of a council of a certain size, with members elected for a specified term, now set by the province at three years. Each member represents a defined constituency, either the whole municipality or some part of it. All members meet together to transact their business, even though some spade work may be done for them through smaller committees of council.

All councils operate with the help of some paid staff. Some positions are required by provincial law; others are open to local choice. For the paid staff to function, it is necessary to know who is in charge of each activity and what each employee is expected to do. The council must direct the work of staff. It can do so by giving its orders to the top person or group of persons on staff, or to management people individually.

The established way that each municipality is structured to do business is known as its form of organization. In Ontario three basic forms of organization are in common use in the smaller municipalities:

1. The Council-Committee System

   This form of organization has existed longest in this province. Council processes its business with the help of a number of standing and special committees of council. It directs the paid staff by giving orders to those in charge of departments or functions.

2. The Council-CAO System

   Under this system the council does most of its business as a body, meeting sometimes formally and other times informally as a committee of the whole council. It directs the administration through the chief administrative officer, but it also meets regularly with both the CAO and department heads present.

3. Council-Committee-CAO System

This is a variation of the council-CAO system. Under this plan council first processes business through standing and special committees of council rather than committee of the whole.

Other forms of organization are found in some larger municipalities. Waterloo, for example, runs its administration through a committee of three senior department heads. Others give strong powers to an elected group of council members called a board of control or to a strong executive committee chosen from council. Neither of these last two arrangements is open to the smaller municipalities.

The local municipalities and the second-tier municipalities (i.e., traditional counties or the newer regions) use different methods of selecting the head of council. The head of a local council is elected; the head of a county or region is chosen by the members of its council.

Two types of small municipalities are governed by a board of trustees rather than a council. One is the improvement district, of which there are now seven in northern Ontario. Their trustees are appointed by the province. The other is the police village, seventy of which are to be found in traditional counties. Their trustees are elected.

Ontario's chief administrative officer systems have been gaining rapidly in popularity in recent years. They have become most prevalent in urban municipalities that have been subject to strong growth pressure. Among the smaller municipalities, the council-committee system remains by far the most widely used. But CAO systems have been introduced into a significant number of the smaller municipalities, and they seem still to be on the increase. A large majority of Ontario's chief administrative officers combine that function with the statutory responsibilities of the clerk, the treasurer, or both. The arrangement brings the CAO system within reach of even the very small municipalities.

The 1970 Municipal Directory was the first to list the names of the chief administrative officers serving Ontario municipalities. Among the 946 municipalities then in existence, 50 had chief administrative officers. By 1984 regional restructuring had reduced the number of municipalities to 838, but those with chief administrators had grown to 230 -- a fivefold increase in 14 years.

This growth in popularity of the CAO systems has been encouraged in two ways. First, in 1970 the position was first recognized in the Ontario Statutes and listed in the Municipal Directory. Secondly, in late 1971 interest was stimulated by a book on the subject published and circulated widely by the ministry responsible for municipal affairs. Written by Paul Hickey, a senior official in the ministry, the book described the main forms of organization then found in Ontario in comparison with forms of organization elsewhere in Canada, the United States and England. It called them "systems of local decision-making." One central recommendation was that every Ontario municipality be required to appoint a CAO who would have certain stated responsibilities and others at local option. The province distributed the book without acting on or disclaiming this recommendation.

Municipal government combines a diversity of community needs and interests organized under a number of different departments. The committed municipal official comes to believe that his particular area of service responsibility is uniquely important. Thus strong department heads make competing demands for council's attention. They vie for budget dollars. A council must learn to evaluate and balance these competing demands for service developments. Where the form of organization includes a CAO, that official will propose priorities and give reasons for such preferences. A CAO's efforts to balance the distribution of dollars in the current year and in longer-term planning can be of great assistance to council. But council cannot merely put itself in the CAO's hands. Every individual has his or her own preferences and no two individuals will think exactly alike in managing the complex mix of undertakings that is municipal government. In the absence of a CAO, a council will have more work on its hands and some difficult decisions to make. Where there is a capable CAO, one concern is that council may leave certain choices to management that its members should make finally for themselves.

While recognizing the growing popularity of forms of organization centering upon a chief administrative officer, we hold the view that a CAO system is not to be preferred in all places under all circumstances. The information presented here should prove useful to municipal councils who wish to review the different forms of organization that exist and to consider the merits of making a change.

Whatever the form of organization, the responsibilities of council and those assigned to the paid staff are intended to be much the same. The council is primarily responsibile for determining policies, undertaking financial and program planning, directing the municipal operations and keeping tabs on the administrative performance of the paid staff. The paid staff is expected to inform council members on their responsibilities, to advise and assist council in policy-making, to provide professional and technical support for financial and program planning and to operate the municipal services and maintain authorized controls over the community.

The council and the staff do not of course perform their respective functions separately. The council will have paid staff present at all its official meetings, formal or otherwise. Very occasionally, council will caucus with no staff present. Nothing concrete can come out of such a meeting except what is confirmed later in an official meeting of council or one of its committees. Furthermore, the purpose of meeting in committee is to sort and process business for final determination by council in formal session. One must recognize also that council is expected to carry out its responsibilities as a body. It does so with committee support, with leadership from the head of council and with the continuing backing of its public servants.

In the Municipal Act and the newer regional government statutes the head of council is also called the chief executive officer of the corporation. The term is misleading, for the specific authority that this official is then given is quite different from what the term conveys.

What then is the nature of the responsibilities placed upon the head of council by statute? He or she is required to help council to achieve community improvements, to encourage respect for law and order and to ensure that municipal employees conduct themselves properly. However, there is no suggestion that the head of council should endeavour personally to evalute and take responsibility for the employees' work methods or the quality of their work performance.

The limited role given to the head of council helps to clarify the limits upon the role of council itself. Council members are responsible for the success of municipal operations. Of necessity, therefore, they must get to know a good deal about municipal administration, through close and frequent contacts with the paid administrators. For their part, administrative officials must also keep abreast of local community goals and objectives. They must try to understand what interests and motivates elected representatives. But a council member who tries to give administrative orders or an appointed official who seeks to lay down policies is trepassing in the other person's territory.

DEALING WITH CHANGE

Municipalities are people institutions. At any one time they reflect quite clearly the blending of the distinctive qualities of all who sit on council or are on the municipal payroll. With each election, the makeup of a municipal council is likely to differ. Over time, changes will also occur in the municipal work force. Some employees will retire, others will move to new jobs to further their careers, new people will be hired. These changes will have their effect on local government performance.

Even with no changes in personnel, a municipality's human resources will not remain constant. With the passage of time the council member will gain experience and increased confidence. The paid employee will progress through the ranks. Conversely, the performance of some workers may slacken through boredom, unmanageable stress, ageing or other causes. The councillor's visible performance is less likely to decline — voters tend to take care of that. In any event, on average elected representatives participate in municipal government for much shorter time spans than appointed personnel.

The success of any municipal corporation is heavily dependent upon the quality of those who serve it. Changes on council may raise the tone of debate, may lead a municipality to adopt new goals, may bring fresh accomplishments. At other times the changing mix of members may make meetings more argumentative, actions more self-centred and decisions more transient. Similarly, changes in the quality of the work force can raise or lower the standards of service deliveries.

The smallest municipalities seem to be subject to the greatest threats from such changes. With limited staff resources, broader responsibility falls on their council members. Council turnover may thus pose some serious problems. Similarly, the departure of a capable clerk-treasurer or other official may leave a gap that is hard to fill, given budget constraints.

Much of the ongoing change in a municipality's operating capabilities is inevitable and the immediate consequences are negative. Yet municipal government, like other continuing corporate enterprises, is self-renewing.

Offsetting the changes that are inescapable are the opportunities for change that are controllable and that can be planned and executed to bring positive results.

To provide its expected services, a municipal government needs three things: employees, machinery and equipment, and accommodation. The required complement of employees must be maintained in the face of retirements and other expected staff turnover. Machinery and equipment must be renewed and replaced as it wears out or as improved products come on the market. Accommodation must be sufficient to house the staff, and the machinery and equipment. Technological advances may alter any or all of these requirements.

All these matters are the concern of administrative management personnel, whose job it is to maintain sufficient and suitable staffing, machinery, equipment and accommodation. To do this they need council support and authorization of the required funds. Management personnel must also take initiatives towards sustaining satisfactory conditions of work for all employees. They must systematize work processing if they are to achieve high levels of productivity. And they must ensure that the existing form of organization is effective in maintaining the expected roles of council, management staff and non-management staff as interrelated parts of a smoothly functioning, efficient operation.

A municipality's operations do not always run smoothly. Difficulties may result from the inability of council or staff to act decisively, to maintain the expected regeneration of operating capabilities, or to cope with new performance pressures. It would be unreasonable to expect any municipality to continue indefinitely without anything going wrong. Indeed, capable management people are ever on the lookout for trouble. Their object is to spot each problem quickly, determine its source and set to work to eliminate it without delay. It is when problems persist and multiply that members of council and administrative management have cause for concern. Under such conditions, fundamentals of organization, staffing or work processing may need improving.

What disturbing signs indicate that a municipality may be in some serious difficulty? The following is a listing of some straws in the wind:

- The work atmosphere is gloomy. For a lot of employees coffee breaks have become the most fun of the day. Nothing is urgent.
- Work pressures alternate between slack periods and intensive overtime.
- The new data-processing equipment is adding to the required man-hours and delaying output without explanation.
- Meetings seem endless, yet many problems remain unresolved.
- Employee cooperation is not always forthcoming.
- Grievances and complaints are a never-ending union concern.

It is easier to find evidence of something wrong in a municipality than to pinpoint the trouble and make the move that will restore performance and morale.

Municipalities need to recognize that the outcome of a proposed change is not always wholly predictable. Plans may not have been thought out well enough or implemented with sufficient care. The forseeable consequences may have been upset by other happenings whose possibility was overlooked.

If a municipality gets in some difficulty, it should face the fact quickly but move cautiously towards deciding what is wrong and how to put things right. Small changes aimed at keeping a municipality on top of its operations can usually be safely planned and executed in house. Where more major reforms seem to be needed, outside assistance is probably required.

At both the elected and appointed levels of municipal government the people in charge can learn much by comparing notes with their opposite numbers in similarly situated municipalities. Intermunicipal conferences and conventions provide learning opportunities, and not just in meeting sessions. Memberships in professional associations also create valuable opportunities for appointed officials to consult with their peers.

Yet when a municipality is faced with a serious operating problem, the time for such consultation is past. Nothing less than a thorough, objective and professional appraisal of the situation can get to the heart of the matter or provide a productive plan of remedial action. What someone from another municipality may be able to suggest from his or her experience is a competent outside source of professional assistance.

The Ministry of Municipal Affairs and Housing is able to give some help to municipalities that have concerns about the competence of their operations. Although the Ministry is not staffed to meet all municipal consulting needs, it may be able to provide some initial aid towards diagnosing problems, identifying needs and advising on how to select consultant help. On occasion it undertakes a full-fledged management study for a municipality, but that is the exception.

Management consultants have been actively involved in local government problems in Ontario since the Second World War. In 1966, they formed a professional body, the Institute of Management Consultants of Ontario. In December 1983, the Ontario legislature gave its members exclusive use of the designation of certified management consultant. The institute's members do not, of course, have a monopoly on professional competence. Nevertheless their status offers some assurance to municipalities that have had no prior experience in the use of management services.

A decision to bring in an outside consultant is normally made by council, perhaps on the recommendation of senior management. The terms of reference will be negotiated by council and the consultant will be expected to report to council. These circumstances may make the employees of the municipality apprehensive. If, in effect, there is going to be an inquiry, what will be found wrong and who will be blamed? Will the consultant recommend drastic changes where lesser adjustments would suffice? Will the form of organization need changing and, if so, how will this affect the present management staff?

A capable management consultant is not a head hunter. A successful consultant does not need to advance sensational recommendations to make the use of his services worthwhile. A true professional seeks ways to overcome the dilemmas that frustrate workers, to increase their sense of purpose, to add to their opportunities for accomplishment. The experienced consultant knows that, from the outset, he or she must win the confidence of the client (the municipal council) and the cooperation of the municipal employees (both management and line staff). An important starting point therefore in analysing problems will be the difficulties that present workers are experiencing. Furthermore, all the recommendations that grow out of the study findings will seek to maximize the productivity of existing staff, whether or not this involves changing the form of organization or bringing new people on staff.

One purpose of succeeding chapters is to reduce the number of occasions on which Ontario's smaller municipalities will require management studies by outside people.

WHO'S IN CHARGE HERE?

Nowadays productive work relationships hinge more on informal communication, reaching consensus and cooperative effort, than on recognized chains of command. Yet it is essential that someone be made responsible for planning, ordering and accomplishing work objectives. Someone must be accountable for success or failure. Someone must be clearly in charge.

In old-fashioned language, there is no question who is boss. It is not the chief administrative officer, if there is one. Nor is it the heads of departments. It is the council. Not the head of council, but the whole council. The council tells the management staff what to do, through the CAO if there is one or, most commonly, through the heads of departments, where there is not.

Municipal operations require a substantial extent and considerable variety of professional, technical and administrative skills. Basic skills should exist among the staff. They should be reinforced as required by procuring qualified outside assistance. For this reason the council, whose members are not chosen for either their professional or technical expertise or their administrative capabilities, are expected to tell the paid staff what to do but not how to do it. And council members are not likely to tell a civil engineer, for example, how a road bed should be reconstructed or a building inspector what he should look for in checking the legality and safety of building construction. Unfortunately the special capabilities one must have for administration in general and for management of staff in particular, seem less removed from what most of us know or think we know. That is where the temptation comes for council members to overreach their authority.

The earliest chief administrative officers in Ontario were called city managers, and a number still hold this title. Chief administrative officers are responsible for executive and administrative management. That is so in practice, even though in the Ontario statutes the head of council is said to be the chief executive officer of the municipal corporation. The Webster dictionary says that executive, as an adjective, means "designed for or relating to execution or carrying into effect." The definition in the Oxford dictionary is quite similar. The carrying into effect of municipal services and controls is the responsibility of the CAO, not the head of council. Where there is no such administrative person or body, the responsibility is distributed among the heads of departments.

In army parlance, it is common to distinguish between line and staff functions. The line officer directs people. The staff officer provides support services to the line officer to help him do his job. Both are part of management. In municipal government the line function of personnel management is unquestionably the responsibity of the chief administrative officer, where such exists. Under the council-committee system, the line function of people management is part of the work of each department head. Under either system, the department heads have substantial management responsibilities. If the manpower establishment is large enough, one or more layers of management personnel will also exist below the department head level.

In the introduction we said, in effect, that the larger municipalities have someone on staff who works as a personnel services officer. A substantial part of that officer's responsibilities are staff rather than line functions. The one common exception is where the personnel services officer conducts union labour negotiations for the municipal council as head of the team of management negotiators. One could take the position also that a personnel services officer with a staff is performing a line function when directing their work.

Personnel services officals used to carry the title personnel officer. The more common name today is personnel director. It is a misnomer. It would be more accurate to call such a person the municipality's personnel services director.

Negotiation of labour union contracts is an important administrative management function. Where a personnel services officer does not head up contract negotiations for management, the lead may be taken by the chief administrative officer, if there is one, or the head of the department that is most concerned. One further option is to obtain this critical service from outside in the same way that some municipalities contract out for their legal services. There are two reasons for taking the latter course. First, the required capabilities for labour negotiations leadership may not be found in any of the appointed staff, and secondly, by pressing hard in labour negotiations a member of staff may lose caste as an administrative leader.

Some smaller municipalities contract with a nearby municipality for its personnel services officer to head up their labour negotiations. Where such an arrangement is possible, it can minimize the risk of drawing upon outside help. The objective is to find someone with demonstrated labour negotiation skills, an intimate knowledge of municipal operations and a good grasp of local labour conditions.

In smaller municipalities, a management person will often wear two or more hats. Where the personnel services work does not justify a full appointment, it can be helpful to give a management person who has some time and the bent for personnel services work formal responsibility for it. There is nothing wrong with mixing staff and line functions in the duties and responsibilities of one person.

In a municipality where any part of the paid staff is union certified or likely to become certified, some management person should be required to become informed as to the place of unions and collective bargaining in municipal administration. The one who takes this on need not be responsible for other personnel services work or required to take the lead in labour negotiations. Improvisation and work-sharing is a necessary feature of small government. So is outside procurement of special skills when these are needed.

For those smaller municipalities that are without experience in certification of a bargaining unit or in labour contract negotiations, three cautions are in order:

1. It is most important for a council and its management staff to equip themselves to respond promptly and appropriately to any attempt by a union to certify a group of the municipality's employees.

For example, before a union is certified, management needs to know which workers can legally be excluded from union membership and which of these should be excluded because of their close identification with management responsibilities. Initial advice might be sought from neighbouring municipalities that have extensive experience with labour negotiations. It is in their self-interest to cooperate.

2. Where a group of workers has been certified as a union local, it is prudent to recognize that the first contract negotiation is the most crucial. That is because it is far from easy to negotiate the removal of a contract term once it becomes part of a union contract.

Because the consequences of unequal negotiations are cumulative, the use of a negotiator of uncertain capability would be false economy. The municipality should take the time to search out and check with care the available advisory services.

3. It is important for a municipal council to be informed about labour negotiations but probably short-sighted to be represented directly in them.

Why do we say that? Because all council members need to remain free to vote on a settlement plan once negotiations have reached the stage of a proposal to council. Even as a silent observer, a councillor is tempted to jump the gun and seek to influence negotiations in mid course. That is not fair to remaining council members.

Management's negotiating team should include:
i) management staff responsible for the union workers concerned, and
ii) a professional negotiator either drawn from among the management staff or brought in for the purpose.

The management negotiating team will of course caucus between negotiating sessions. At such times it can confer with other special advisers and it can meet with council or a committee of council to receive instructions and to report progress in negotiations.

This chapter explains who is in charge of directing and who is responsible for managing municipal operations. It also describes the help management should have to carry out its man management responsibilities, including labour negotiations with unionized workers.

In the next chapter we say something about the line work force.

WHO WORKS HERE?

The municipal legislation contained in provincial statutes uses a number of terms to describe persons who work for a municipal corporation. The Municipal Affairs Act speaks of the officers, employees and servants of a municipality.[1] The Municipal Act defines the term "employee" to cover all appointed paid personnel, including any salaried officer, clerk, workman or servant in the employ of the municipality.[2] Municipal employees are persons on the municipality's payroll. Persons or firms who provide a service to a municipality under contract for a particular assignment are not employees.

Elected representatives are also sometimes referred to as officers of the municipality. Although they may be remunerated for their work, they are presumably not properly called salaried officers, a term that is reserved for certain municipal employees. The Ontario Municipal Employees Retirement System Act makes it clear that members of council are not to be considered municipal employees since that Act gives the Lieutenant-Governor in Council power to make regulations providing for the membership of employees and councillors in the Retirement System.[3] These legal references underline the fact that the council runs the municipality while the employees, including salaried municipal officers, work for it.

Certain positions are required in each Ontario municipality by statute. Other positions are required by statute in those municipalities charged with the relevant service responsibilities or faced with a sufficient volume of work. These two types of positions are sometimes referred to as statutory offices, and those who hold them as statutory officers. They include the municipal clerk and deputy clerk, the treasurer and deputy treasurer, one or more tax collectors, the police chief, the fire chief and the municipal welfare administrator. An external auditor is a statutory officer of a municipality but not one of its employees. A medical officer of health is a statutory officer who may or may not be an employee.

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[1] RSO, 1980, c.303, s.28.

[2] RSO, 1980, c.302, s.208(46)(a)(i).

[3] RSO, 1980, c.348, s.14.

Among the employees, some are officers and some officers are statutory officers. These appear to be the important distinctions in law governing the status of persons in the municipal work force. Another main distinction among municipal employees is between management and non-management personnel. There is in fact a third category, what we might call "management support staff." It would include those who provide management with

a) personnel or other research and advisory services, and
b) confidential secretarial or clerical services.

Among the remaining non-management employees, or what are commonly called line workers, the important distinction is between those who are unionized and those who are not. Union locals now exist or may be formed, under specified conditions, to serve the interests of all or some indoor and outdoor workers, with one exception. The police are unique in not being permitted to belong to a union. A majority of those below the rank of chief or deputy chief may however act to initiate collective bargaining. When what is called a police association represents not less than 50 per cent of a police force, it has authority to bargain for the members. In practice, therefore, a police association is much like a union.[4]

When municipalities hire new workers, they enter into what is in effect a contract that sets out the terms of their employment. Besides settling the salary or wage level, agreement will be reached on the hours to be worked, exclusive of overtime, and on the length and security of tenure. The arrangement that is made covering the extent and tenure of the work will determine whether or not the new worker can become a member of OMERS[5] and the extent of the other fringe benefits and benefit opportunities. Student employment is commonly offered under conditions that apply only to workers with this status. For such people fewer fringe benefits are to be expected.

In classifying people in their work force according to the hours to be worked and the length and security of tenure, Ontario municipalities have adopted their own vocabulary, but the terminology in government statutes or regulations or in union contracts takes precedence over such local descriptive wording. In classifying the work force terms such as permanent, non-permanent, temporary, probationary, shift, seasonal, full-time, part-time, salaried, hourly-rated, casual may be used. From one municipality to another the choices of terminology are not uniform. Even within one municipality, the terms used to describe the various classifications may not be entirely clear.

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[4] See Labour Relations Act, RSO, 1980, c.228, paragraph 1(1)(p) for a definiton of "trade union."

[5] Ontario Municipal Employees Retirement System.

It would seem useful, therefore, to provide a standardized classification of employees to cover, without ambiguity, the various categories under which a municipality might see fit to hire persons as municipal employees or to continue them in such employment. Suggested categories, which smaller municipalities might choose to adopt, follow.

1. Continuing employee
   - a) full-time, or
   - b) part-time
   - c) salaried, or
   - d) hourly-rated
   - e) non-union, or
   - f) union.

   (An employee having continuing status as an employee of the municipality, subject to dismissal i) for cause or ii) through termination of the volume of suitable work that is required to justify his or her continuing employment.)

2. Probationary employee
   - a) full-time, or
   - b) part-time
   - c) salaried, or
   - d) hourly-rated
   - e) non-union, or
   - f) union.

   (An employee undergoing trial during a defined period to test his or her suitability for continuing employment. During the trial period as initially defined or later extended the employee would be dismissable if found unsatisfactory for the work.)

3. Term or task employee
   - a) full-time, or
   - b) part-time
   - c) salaried, or
   - d) hourly-rated.

   (An employee engaged for a specified time or to perform a specified task within a specific maximum time. Like a probationary employee, the term or task employee would be dismissable if found unsatisfactory for the work. A municipality could agree to count time spent in task or term employment as probation time for a person subsequently selected for similar continuing work.)

4. Student employee

a) full-time, or c) salaried, or
b) part-time d) hourly-rated.

(A term or task employee engaged under a student work program. The program may be subsidized by a senior government or governments. Students may be hired subject to special terms of remuneration or conditions of employment.)

5. Casual employee

a) full-time, or c) salaried, or
b) part-time d) hourly-rated.

(An employee engaged by the hour, day or week for a terminable time and subject to dismissal if found unsatisfactory for the work.)

Of late, some municipalities and some senior governments have managed to cut back their use of continuing employees by stepping up their reliance upon casual employees, students and term or task workers. Sometimes these people are kept on for long periods through a succession of short-term contracts. That avoids expanding the continuing work force and reduces the employer's responsibility to make pension contributions and provide other fringe benefits. Within limits, short-term hiring is sound practice. However, when made a substitute for continuing staffing, it is short-sighted and less than fair to all workers.

Municipalities, especially the smaller ones, make significant use of volunteers in providing municipal services. Are volunteers employees? If they are, should they be recognized as a further category of employees?

The use of volunteers of longest standing is for fire fighting. The Fire Departments Act defines "full-time fire fighter" and "volunteer fire fighter." The latter is "the person who voluntarily acts as a fire fighter for a nominal consideration or honorarium."[6] Today most volunteer firemen are compensated on a point system that measures the relative participation of each volunteer in training and fire fighting activities. Municipalities treat such volunteers as part-time employees on the payroll and frequently refer to them as part-time fire fighters rather than volunteers.

Public recreation is the other area in which the use of volunteers is now widespread. The smaller municipalities characteristically make use of volunteers where they provide or lend support to public recreation opportunities. Sometimes the volunteers work entirely without pay, sometimes they receive some remuneration based upon the hours worked. Volunteer recreation workers may be recruited by service clubs, sports clubs or associations or other local community groups. Although they commonly work closely with recreation department people, they may be responsible in no formal way to the municipality's recreation staff. If recreation volunteers receive some remuneration from the municipality, they may be classified as part-time employees. They may serve for a specified term, to perform a specified task, or on a continuing basis.

From the common experiences of municipalities in the use of volunteers, it would appear that some are properly classified as part-time employees of one sort or another while others are in no sense municipal employees.

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[6] RSO, 1980, c.164, s.1.

DEVELOPING PERSONNEL POLICIES, RULES AND PRACTICES

Personnel policies are concerned with such staffing matters as hiring, training, tenure, work time, pay, overtime, time off, sick leave, long-term disability, pension and other fringe benefits, and required discipline. All these subjects are pursued further in later chapters. Here our concern is to understand who should develop personnel policies and how they should go about it.

Periodically, councils must deal with personnel matters. They take charge of some hiring and are consulted on other hiring. They must authorize pay increases. They may be drawn into consideration of complaints or grievances and needed disciplinary action. Over time, they are expected to develop personnel policies on all the staffing matters listed above.

Municipalities that use standing committees will make one such committee responsible for dealing with the needs and concerns of the paid personnel. In some municipalities a personnel committee is set up that includes the head of council and the chairman of each of the other standing committees. That is not a bad arrangement. Where there are no standing committees, personnel may either be the responsibility of council in committee of the whole or of a special committee of council.

It is the responsibility of management staff to keep the council committee concerned with personnel informed on that subject. Personnel problems can be a sensitive subject. They involve the lives of workers and their families. It is recognized that personnel discussions which get down to cases ought to take place in private.

Personnel policies are also a central concern of administrative management. That is specially true of heads of departments and, where there is one, the chief administrative officer or an administrative management committee. Management staff have a stake in the development of sensible personnel policies, for they must operate the administration in keeping with the policies proclaimed by council. For this reason many of the personnel policies that a council adopts originate with staff.

It is important for line workers to recognize both the responsibility of council to set personnel policies and the importance that management staff attaches to being given a part in the process, including the opportunity to initiate action on personnel matters.

Where there are municipal unions the personnel policies of council take on added importance, for much the same subject matter will be dealt with in union contracts. Such contracts have of course a limited life and deal with the points in specific terms. Council's longer-term personnel policies can help to set the stage for labour negotiations and keep contract decisions within more predictable bounds. As one example, a municipal policy on sick leave might define the desirable relationship between short-term illness and long-term disability — where one ends and the other begins, and how the responsibility for income maintenance will be met through short-term sick leave with pay and insurance coverage of long-term disabilities.

Over and above the processing of personnel policies, maintenance of solid administrative performance requires the development of practices and at least some rules that are a prime responsibility of administrative management. Like council's personnel policies, administrative rules and practices are an important concern also of line staff.

The employees who make up the municipality's work force are together responsible for the day-by-day provision of municipal services under the direction of council. How effective these employees are in doing so will depend principally upon the adequacy of the work force in both quantity (numbers of workers) and quality (schooling, experience and temperament to suit the jobs to be done). It will depend further upon the way these people go about planning and carrying out their various tasks. What we might call their style of management will determine the nature and extent of responsibility that each individual worker will carry towards getting all the jobs done. This in turn will affect the form and thrust of administrative practices and rules.

We have said already that work performance requires someone to be in charge, someone to be accountable for results. We should likewise emphasize that the ways in which management responsibilities are fulfilled have of late been changing fundamentally. One writer recently put it this way: "The new leader is a facilitator not an order giver."[1] The important reason for this change in leadership style is the great expansion in access to high levels of education available to all people in the developed countries.

In Ontario, access to secondary and post-secondary education has expanded remarkably since the end of the Second World War. Until that time many children of families living in rural areas could not expect to continue beyond the elementary school level, Grade 8. Some did have access to continuation schools that expanded the scope of the elementary school system. Through these schools a limited number of fortunate rural pupils could obtain Grade 9 schooling and upwards to as much as Grade 12. But other rural families had to either send their children away to school or forego secondary schooling altogether.

In the years following the Second World War conditions changed completely. Provincial grants for school support rose considerably, and included the cost of bussing pupils to schools farther from home. School jurisdictions were expanded, first to township school area size, and thereafter to take in an entire county or region. Everyone with the required grey matter could, if he or she wished, complete Grade 13.

Beyond Grade 13, the expansion of educational opportunities began with grants to returning war veterans to enable them to obtain a university education. This development and its aftermath necessitated the enlargement of the existing universities and the creation of some new ones. A parallel change brought the development of a network of community colleges that can now provide a wide choice of technical training for all who wish it. These include short courses of ten weeks' duration or longer and diploma courses of two or three years from high school graduation. Some of the latter require only Grade 12, others Grade 13 for admission.

The frontiers of education have been extended in ways other than universal availability of secondary schooling and greatly expanded access to post-secondary education. In Europe, television started to come into people's homes before the Second World War; in North America, immediately after. Add to that breakthrough the technical capability to turn out portable radios by the million. The result is that we have now reached the position where the newspaper has lost much of its information-conveying function to the newer instant information media. Further, the use of satellites to project video news reports across the oceans has made instant communication world-wide. We now live in what has been called, dramatically, a global village.

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[1] John Naisbitt, Megatrends (New York: Warner Books, Inc., 1982), p.188.

A more striking extension of educational opportunities has come from yet another source: the computer. Data storage, processing and retrieval permit extension of the frontiers of knowledge entirely beyond the expectations of people a generation ago. Its possibilities are mind-boggling.

Municipal government in Ontario was staffed for years with people whose formal schooling and informal education were below the level of many workers in private enterprise. Such a difference need no longer exist. Much of the difference has already disappeared and more will go as we learn how to take the benefits of the new learning opportunities to municipal government in our more remote rural areas. Increasingly, the people who serve our smaller Ontario municipalities are products of the new extended schooling, instant communication and mass data analysis. In growing numbers line workers are fitted to work with management towards planning and realizing high-level performance. Therefore management practices should be adjusted to take up this new participatory approach to the fullest possible extent.

What are the elements of the new management practices? Probably the most important is much increased emphasis on communicating throughout the municipal administration.

A common complaint of line staff in smaller municipalities is that they are often the last to know what is happening. The media and the general public may hear of new developments before they do. In one small Ontario municipality a group of line workers said of their situation: "There is no continuous management function being exercised in our municipality. What we get is sporadic, crisis management." When the problem was explored further the main cause appeared to be management's failure to talk with and supply information to line workers, systematically and frequently.

A variety of ways can be found to keep workers informed and no one way is the right way. It depends on the number of workers involved and the number of locations they work out of. In the smallest municipalities management can provide some information verbally and also post notices on a bulletin board. A somewhat larger municipality may need to circulate its bulletins and arrange one or more meetings to reach everyone on staff. The largest of the municipalities we are addressing might also produce what is called a house organ. It would contain reports on the municipal corporation's doings and news of the personal happenings of its workers.

A house organ need not be an expensive production. The stories can be written by volunteers from among the employees. They can be typed, illustrated by hand and run off on a copying machine. It should be no great problem to turn out eight or more lively issues a year. If it becomes a problem, that may be evidence that not enough employees like where they work, who they work with and how things are going.

Where a municipality has a sizeable work force (two dozen or more people), management's information services should aim to:

1. Describe all work plans to the people involved;
2. Tell each group of workers what other groups of workers are doing;
3. Pass on to staff municipal plans and happenings of general interest;
4. Report in a house organ the personal doings of workers and their families that are of interest to other workers.

Continuing communication is but the first of several requirements for progressive municipal management. Another is to stimulate workers cooperation. To achieve this, the manager's own interest in work performance must be continually evident. In other words, his or her attitude must be obvious because it is genuine and purposeful.

The current style of management also requires the senior people to seek out opinions from middle management and line workers when planning and developing programs. The more people who are identified with shaping the way of going about a job the greater will be the interest in bringing it to successful completion. But in work planning, management's objective is to go much further than to conduct opinion polls. Plans should be discussed fully with all who will be materially involved in carrying out assignments in order to achieve the widest possible consensus on how to proceed. Work planning discussions need to be started as early as possible. If there are divided views on how work should be handled, people must have time to reflect on these differences. Eventually the decision must be taken by management, but it is better, where time can be budgeted for further reflection and changes in outlook, to delay rather than overrule.

If you are a senior person on the management team, you can accomplish a great deal through cooperation. You should where possible avoid confrontation without abdicating leadership. In the long term however, the people who come under your supervision must feel that they know where you stand on issues and that you have the talent and temperament to resolve them.

Not every practice that has been promoted in personnel publications in recent years is necessarily valid today. One that we have doubts about is the "exit interview and questionnaire." A personnel manual that we have seen recommended that an employee with a good work record who is leaving be invited to complete a questionnaire that will establish his or her reasons for doing so. If the completed questionnaire includes negative comment, the person would then be invited to an interview in order to throw light on an apparent work problem.

What have we against this procedure? Our concern is its timing. A problem that first surfaces at the time of an employee's departure can be cause for embarrassment to both employee and employer. A prime objective of cooperative management is to get problems out on the table and resolve them before they contribute to some breakdown of human relations. Some personnel officers defend the use of exit interviews. They can provide the impetus, it is said, for policy improvements that would not otherwise happen. Be that as it may, if the exit interview has any place in personnel management, it should most certainly be preceded by continuing opportunities for all municipal employees to talk freely with those to whom they are responsible for performance.

Should a municipality develop a code of ethics[2] that would encourage high standards of conduct by those who serve its administration? In its traditional form, we have doubts about this management practice also. Past efforts have sometimes included the development of a municipal code of ethics, full of noble sentiments, that is hand-lettered, framed, hung on an office wall and quickly forgotten. Current thinking is that the standards of administration should emerge as workers talk out what they must do, how they might go about it or why a particular approach has brought an adverse reaction. The ethics of the work place are what is important.

Our present concern with the ethics of the work place is much greater than the attention which that subject has received in the past. The difference is not only in a stronger determination to make ethics come alive at work but also in a growing realization that goals of work production and aspirations of workers need to be brought together in a system of production that recognizes and reconciles the objectives of each. Changing attitudes are not confined to municipal government; indeed, the lead that is transforming municipal approaches to the delivery of public services came first from private enterprise.

In June 1977, Ontario's Deputy Minister of Labour set up a joint labour-management Advisory Committee on the Quality of Working Life. A year and a half later, on the committee's recommendation, the Ontario Quality of Working Life Centre was established within the Ministry. The aim of the centre is to contribute to the improvement of the quality of working life in Ontario. People are seen as purposeful beings with ideals and important social and psychological needs in relation to their work. They are assumed to have the ability and willingness to learn and the need and capability to handle responsibility and merit autonomy. Recognition of these needs requires the development of particular kinds of jobs within flexible business or government organizations. The new work settings are characterized by continuous learning and the ability to adjust to changing relationships between a) people and their jobs, b) management and workers, c) different levels of management, d) the union and its members and e) organizations and environment. The new jobs provide genuine opportunities for variety, challenge, responsibility and control.[3]

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[2] We are not speaking here of the codes of conduct that various professions quite rightly enforce upon their members.

The Ontario Quality of Working Life Centre recognizes the legitimate roles of both unions and management. It seeks to provide them with new opportunities to work together in order to resolve important problems that are extremely difficult to deal with under traditional business or government systems. The centre is now promoting these views among Ontario's municipalities.

In his recent book, Theory Z, William Ouchi tells how some large American companies have reshaped their business operations to compete more successfully with Japanese companies and in world markets. His book stresses the importance of developing a corporate philosophy as the basis for forward-looking management and production systems.[4]

These new attitudes to municipal management and organization have already caught the imagination of municipal personnel officers, chief administrative officers and other management personnel. We conclude this chapter with one example of their reaction to these ideas: the "Statement of Nepean's Corporate Philosophy," adopted in committee by the Council of the City of Nepean on July 12, 1983. It demonstrates the commitment that some municipalities now have towards fulfilling the needs and desires of their citizens in an efficient and effective manner while respecting the quality of working life of their employees. The Nepean statement should give smaller Ontario municipalities food for thought.

In municipal administration or administration of any other purposeful enterprise, groups of people cannot work together effectively entirely without rules. Where the management people are truly facilitators not order-givers, the extent of the required rules can probably be held to a minimum.

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[3] Extracted from the centre's pamphlet, Organization, Policy and Program. Further information on the centre, including the application of its ideas to public service enterprises, may be obtained by writing the centre at 400 University Avenue, 15th Floor, Toronto, Ontario, M7A 1T7 or telephoning (416) 965-5958.

[4] William G. Ouchi, Theory Z (Don Mills, Ontario: Addison-Wesley Publishing Company, 1981). See especially Chapter 6 and Appendix One.

The organization of the work place has evolved over time. Part of its heritage has been some very harsh treatment of labour by management. It is not surprising therefore that work organization cannot be based wholly on trust. Unions originated out of a need by labour to protect its basic interests and rights. Hopefully, the need is less in evidence today than it was ten, twenty or thirty years ago. Yet unions will undoubtedly continue to exist, and rules will remain necessary to protect both employer and employee interests. More will be said about needed rules for municipal personnel administration in a later chapter.

STATEMENT OF NEPEAN'S CORPORATE PHILOSOPHY

GOALS

The goal of municipal government is to enable individuals to meet their needs and desires while recognizing that all needs are not of equal importance and the existence of limitations imposed by provincial statutes and available resources.

The Corporation of the City of Nepean's primary goal is to deliver programs and services desired by the residents of the City of Nepean efficiently and effectively. The Corporation of the City of Nepean shall act responsibly in cooperation with other levels of government, private industry and the community in achieving its goals and objectives.

Elected and appointed officials of the City of Nepean shall strive to create and maintain an environment that stimulates and supports economic and community development activities which make the City of Nepean a distinctively desirable community in which to live and work.

ROLE OF COUNCIL AND ITS OFFICIALS

Policy Directives

As the elected representatives of the City of Nepean, Council is responsible for developing policy directives for the orderly physical, socio-cultural and economic development of the City based on the communicated needs and wishes of the residents of the City of Nepean. Consideration shall be given to long range forecasts, financial resources and the recommendations of the administration before policy directives are communicated to the administration for the purpose of implementation.

The administration shall provide for Council's and the community's consideration, feasible alternatives, recommendations and advice directed towards improving and maximizing services desired by residents. The goal of the City of Nepean's administration is to ensure effective interpretation and implementation of Council's decisions through a variety of professional, managerial and administrative support activities. Issues of an internal administrative nature shall be resolved by staff with proper communication afforded to Council.

Relationship to Employees

Cooperation between Council and staff is crucial to the efficient operation of the City. The Chief Administrative Officer shall act as liaison between the administrative structure and elected officials and ensure that Council is provided with all information necessary to enable Council to effectively deal with an issue. Any initiative on the part of employees of the City of Nepean to formulate guidelines and recommendations on any policy is welcomed and encouraged.

Service to the Community

Council and employees of the Corporation of the City of Nepean shall serve the residents of Nepean to the best of their ability and provide the highest level of services to the community, limited only by the resources at hand.

Efficiency and Productivity

It is a goal of the Corporation of the City of Nepean to constantly be as efficient, effective, productive and responsive as possible. To this end, it is essential that all employees cooperate in making the Corporation of the City of Nepean a model municipal government in which we can all take pride. Each department and every individual contributes towards the achievement of our goals and objectives.

Conduct of Employees

Employees are expected to conduct themselves at all times in a responsible and respectful manner in their dealings with Council, other employees and the public at large.

Technology

As an innovative and progressive municipality, the Corporation of the City of Nepean accepts the challenge of a rapidly changing technological environment. New methods, techniques and equipment shall be implemented as required to improve the delivery of our services, but only after careful consideration has been given to the social, physical and economic consequences.

MANAGEMENT PHILOSOPHY

Management Style

Our most important assets are our human resources. The most significant role of a manager is that of a facilitator. Open lines of communication shall be encouraged at all levels of the organization.

Our managers are leaders who shall help our employees grow in their position by assisting in developing their potential, encouraging them to accept responsibility and to use initiative whenever possible.

Work Ethic/Environment

Employees at all levels of the organization are expected to perform their duties to the best of their ability. A positive and enthusiastic attitude towards our Corporation, our work and our fellow employees is essential to ensure a cooperative and productive work environment.

A fair and equitable compensation system shall be maintained for all City staff. Although job security can never be guaranteed, the Corporation shall strive to ensure continued employment for our permanent staff.

Teams

Our managers and supervisors are encouraged to develop employee participation in decision making. To provide staff input at all levels of the organization, teamwork is essential. This may be done through the development of task forces, quality control circles, employee involvement groups, department meetings and any other forms of team management.

Management Development

The Corporation of the City of Nepean is committed to improving the skills, knowledge and performance of our management, because our managers are accountable for the efficiency of operations.

Employee Development

The Corporation of the City of Nepean is committed to improving the skills, knowledge and performance of our staff in order to promote employee development, prepare personnel for promotion and increase efficiency and effectiveness.

MAINTAINING THE REQUIRED STAFFING

Council is responsible for the size and makeup of the municipal work force and authorizes all hiring. It either does so at the time, or it sets up positions and leaves management to do the hiring. When these positions become vacant, management may see to the replacements.

In Ontario municipalities, large and small, the council ordinarily takes a hand in hiring everyone at or above the department head level. In many smaller municipalities, council involvement is extended to include a much larger share of the hiring. However, where a municipality is big enough to have qualified administrative and professional officers, we think such people should be allowed to do the lower rank hiring.

In the difficult economic conditions of the early 1980s, some councils suspended the right of management staff to fill vacancies without their prior approval, and some municipalities will probably continue this restriction indefinitely. In any case, the responsible appointed official should review the current work demands of each vacant position and all related employment to determine what, if any, savings are possible by reducing the work complement and by reassigning work among the remaining staff.

A point on which councils should have a position is the hiring of close relatives of those already on staff. The Ontario Human Rights Code includes provisions to prevent discrimination in employment practices, but to bar the hiring of a close relative is not put in this category. Opinions differ on the need for such a prohibition. Perhaps the strongest argument against the practice is this: When a relative is hired will the public ever be convinced that the person was clearly the best choice? A close relative might be defined as one's spouse, parent, grandparent, sister or brother. Where a restriction is imposed, we doubt that it should extend beyond these limits. Furthermore, it can hardly be made to apply to two employees of a municipality who marry after each was hired.

Some municipalities permit a close relative to be brought on staff so long as the new employee neither comes under nor supervises his or her relative. This policy can run into difficulties where workers are unionized. When a union position becomes vacant other union workers usually have the right to be considered, provided they have reasonable qualifications and the required seniority. It becomes awkward, or impossible, to disqualify someone merely because he or she would be placed under or over a relative.

The question of hiring relatives reminds us of a related problem that is more serious and harder to identify and control: favouritism and patronage in hiring. No good person should be party to that.

Whether or not council involves itself directly, a number of steps need to be taken in sequence to accomplish the successful recruitment of a new person to a position of responsibility in a municipality. To assist municipalities in this work the questions to be addressed will be considered in turn. The reader should recognize two points:

i) Not everyone will share the opinions we express on how to recruit personnel.
ii) The help of an outside professional may be the prudent course to follow when filling a vacancy of some importance within a municipal administration.

1. Have the work requirements changed?

When a position becomes vacant the first point to be considered is whether the work need has changed materially since the job was set up. Has the job grown in importance? Or the opposite? Should the related work responsibilities be distributed differently to make better use of the services of other present staff? Can the position be cut to part-time, or dispensed with altogether? These are searching questions that require thoughtful resolution by capable management people.

2. Should the vacancy be filled by promoting from within?

A municipality that recruits well-qualified, career-oriented people to junior posts should be able to fill a high proportion of its more senior positions from its own lower ranks. Yet there is a danger that, out of mistaken generosity or other sentiment, someone on staff may be moved to a position for which he or she is clearly ill suited. That person would be better off to go to a different job with another employer. The municipality would benefit by bringing someone in who can cope with its more challenging job. Let us be clear on the point: once made, such a mistake in job placement is not easily remedied.

If there is doubt whether someone from the present staff is capable of filling a vacancy, should that question first be resolved by posting the vacancy in house and screening the responses? Or should the opening be advertised more widely to begin with? We favour the second option.

Present employees have one obvious advantage over outsiders when competing against them for a position: familiarity with the work setting and, presumably, some first-hand knowledge of the job. A competent insider ought to be able to compete successfully against outsiders, unless his employer has an exaggerated notion of what the job requires and is looking for someone over-qualified.

When a position is filled without competition from outside, the person or persons who have been responsible for the selection should be able, if asked, to demonstrate that the move is justified in the municipality's own interest. Nobody should be allowed to play games when it comes to municipal hiring.

3. What procedures should be followed in advertising a position offering continuing municipal employment?

Every opening for continuing employment ought to be posted internally, whether or not it is to be advertised more widely. Where outside applicants are also to be invited, the internal posting should take place at least one full week ahead of any advertising outside. As a minimum, outside advertising ought to appear in a suitable newspaper or periodical that serves the municipality. For positions requiring professional or technical qualifications which may not be sufficiently available locally, wider advertising is essential. The ads might be placed in a trade or professional journal, a paper or magazine with wider than local circulation, or both. The advertising should have enough drawing power to ensure, if the ad is properly placed and worded, a sufficient response of qualified applicants to permit a proper selection. When seeking a chief administrative officer or a department head, the advertising should probably be at least province-wide.

Every application received should be acknowledged immediately. Applicants should be told that the selection process will take considerable time and that all who are unsuccessful will be so informed once the position is filled.

4. What information should be contained in an ad for a position?

Let us note first what cannot be said. Human rights legislation bars discrimination in hiring because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, record of offences, marital status, family status or handicap. Permitted exceptions do not apply to municipal hiring. Equal treatment is infringed by certain employment advertising or employment application or interview practices that are specified as discriminatory in the legislation.[1] The Ontario Human Rights Commission oversees the strict enforcement of this legislation.

Again, the Municipal Act prohibits municipalities

a) from requiring applicants for a municipal office to name an expected salary, or

b) from settling the remuneration for such a position by tender.[2]

While not prohibited by law, a municipality is not, we suggest, justified in making residence within its boundaries a condition of employment. Where the job will involve emergency call-outs, the municipality might however require the employee to reside within specified travel time from the work place.

Now, what should be said? An advertisement should specify:

i) the essential elements of the work to be performed;

ii) the applicant's required or preferred qualifications; and

iii) to whom applications are to be directed, by what date.

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[1] SO, 1981, c.53, s.4(1), s.17 & s.22.

[2] RSO, 1980, c.302, s.98(4).

Information on proposed salary is optional. If something is said, it seems preferable to indicate only an approximate pay level. A wording might be: "Salary according to qualifications in the $,000 range."

It may also be helpful to include some information about the municipality and the municipal corporation that would show it to be an attractive place to work.

Finally, the way in which the work content and required qualifications are stated should be worded to stir the interest of prospective applicants. Look at some careers ads in one of the large daily papers and you will see how that can be done.

5. How does a municipality choose the best candidate from the applications it receives?

The selection should be recommended to council, or carried out for senior management, by a small committee, or a person, with sufficient qualifications to be trusted with making the choice. Whether the use of a committee is justified depends on the stature and complexity of the position to be filled. When in doubt a committee should be used. Even when the competition is closed (that is, limited to present employees), the top contenders should always be interviewed.

The first screening to determine the better candidates requires careful and thoughtful review and grading of each application by someone with a good knowledge of the job to be filled.

Not everyone is good at judging applications. It requires a particular skill. If the municipality has no such person on staff, it may be possible to recruit help from outside. Such a person should be of sufficient stature that he or she is plainly not interested in the job for himself or herself. One might use the services of a person holding a similar position with a larger municipality or with similar but greater responsibilities in private enterprise. Where a management consultant is engaged to assist in recruitment and selection, a person with similar work experience to that required for the job should be on a selection committee. This might be the immediate supervisor of the office to be filled, unless of course the person hired will come directly under council.

One person should be charged initially with reviewing applications and selecting a limited number of those who seem best qualified for interviews. Allowance should be made for one or two turn-downs when making the selection of people to approach. Where there is a selection committee, all members of the committee should be given the opportunity to endorse or question the selection process and the list of candidates recommended for interviewing.

Those on the confirmed list should be notified and interview appointments scheduled in sequence. Bear in mind that time will be needed between interviews for two purposes: to evalute the performance of the last person interviewed, and to review the plans for the next interview. The municipality may consider it desirable to offer to meet or share the travel and hotel expenses of those interviewed.

Before the event, the municipality should have lined up specific questions and topics to be covered in every interview session. The interviews should allow time both for the municipality's representatives to ask questions of the applicant and for the applicant to ask questions about the job and the municipality. No one brought to an interview should be dismissed in less than half an hour. For the most senior positions interviews of 45 minutes or longer are essential.

During the interview some discussion should take place on the anticipated salary. The candidate should be asked for references, if these have not already been furnished, and about the agreed stage at which persons given as references can be approached.

The person or persons conducting the interview should never tell the applicant whether he or she is favoured for the position. The applicant should merely be told that a decision will be made shortly and he or she will be notified. The same will apply to a second round of interviewing where this becomes necessary. However, a subsequent interview might be used to conclude the hiring negotiations when that is the most convenient way to accomplish this.

6. What procedures should be followed in closing with the preferred candidate?

In municipalities with more than a handful of employees, council should only be involved directly in filling positions at or above the department head level. When, on this basis, council is to finalize the hiring, the first step is to tell the council members privately who is the recommended first choice and who are the runners-up. Council should be given the option of appointing the person it prefers from the top two or three candidates provided that, in the opinion of those recommending the selection, the preferred persons would each make acceptable performers.

After agreement is reached as to the person who will be offered the job, the recommended terms of hiring should be reviewed with council. These will include: the pay offer, any concerns regarding pension or fringe benefits, the proposed starting date, any offer towards moving expenses, whether there will be a probation period,[3] whether the appointment will be confirmed by by-law, resolution of council or letter from a responsible senior appointed official and when the initial salary will come under review.

Most applicants may be expected to ask that any check of their references be withheld until all other points of an agreement to hire have been resolved. In these circumstances, council and the selected candidate must both be advised that the offer to hire will be conditional upon a satisfactory check of references.

After terms for an offer have been resolved, an authorized spokesman for the municipality should approach the chosen candidate and review the terms of the municipality's offer. Careful notes should be made of all points of agreement and of any questions raised or counter-proposals made by the candidate.

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[3] It should be recognized that a person, once hired, even on probation, may have to be compensated for dismissal without demonstrated cause or, if a union worker, may not be dismissable except for cause.

Next, points that need to be resolved should be taken up with council or the person or persons authorized to accept changes or propose further modified terms. A further session with the candidate would explore remaining differences.

Before speaking with persons given as references, the municipality's spokesman should develop a series of questions, including any possible concerns remaining from information given in the candidate's application or matters discussed during the selection interview. The most common practice in checking references is to do so by telephone, with the person inquiring making careful notes of each referee's volunteered information and responses to questions. Sometimes a referee may be prepared to follow up a telephone request with a confidential written reference. Sometimes the person inquiring will write in confidence confirming his or her understanding of the opinions expressed by the referee.

When people supply names as references, they will obviously choose persons who may be expected to speak or write about them favourably. For this reason it is useful to seek out independent confirmation of the opinions obtained from persons listed by the candidate as references. Our experience is that, quite often, someone can turn up a contact with a person living in or familiar with some centre where the candidate has lived or worked. As with all hiring discussions, the conversations with reference persons must be carefully conducted and notes taken.

As soon as the references have been cleared, the selected candidate and the required persons in the municipality should be so advised. The hiring arrangements can now be confirmed in writing by letter to the candidate.

New people have to be hired as people depart, for whatever reason, from a municipality's work force. But maintaining the required staffing is not a one-way street. Sometimes the work force requirements shrink and people have to be laid off. At other times a needed reduction in personnel can be accomplished in whole or in part through attrition. It is true that attrition will bring the numbers down over time, but it is too much to expect that the ones who remain will provide the precise combination of qualifications, experience and pay expectations that suit the municipality's altered circumstances. Separations cannot always be avoided.

The unions protect the interest of workers on the job. They are also realistic about management's right to determine the extent of the required work force at any particular time. They will ordinarily accept layoffs, provided union people are given notice or recalled, as conditions permit, according to seniority.

It is important that management examine the need for reductions in manpower with at least as much care as planned expansions of the work force. A much reduced birthrate requires us to abandon the "certain growth" outlook that prevailed until at least the mid 1970s.

While council has the ultimate responsibility of determining manpower requirements, it is left to appointed officials to engineer the actual increases or decreases in manpower. These must match the municipality's changing work demands and financial circumstances. The ease with which all these changes can be accomplished is affected by the ongoing quality of personnel management that a municipality's management staff is able to maintain.

WHAT DO YOU DO?

What do you do? That's a common question. And, for those who like their work, it's one to start them talking.

The shortest way of describing a job is the job title. Some titles would seem to give a pretty clear picture of what the person does. Like the municipal treasurer. He (or she) looks after the municipality's money. Or the roads foreman. He takes charge of a work crew that repairs the roads. Of course, in both cases there is more to the work than that.

But there are other titles which do not make the meaning at all plain. What is a chief building official? Does this person look after the municipality's buildings? No, someone else does that. Does he build buildings? No, but he does permit others to build, and checks up on the way they do it, in the interests of public safety. What is a municipal clerk? From the name, we might think it's someone who files papers. That is partly correct, for the clerk must keep the municipality's official records. But the clerk does a great deal more and has one of the pivotal positions in the municipality. Almost everything seems to resolve around him (or her).

In the largest municipalities in Ontario, descriptions have been prepared for all the different types of permanent positions. These job descriptions are used to classify the jobs in an orderly fashion so that we can gain some understanding of how one job relates to another and of the importance of each. The descriptions are also used for pay purposes. Where position descriptions have been carefully prepared, even the job titles have been given thought. The aim is for them to present as clear a picture of the job as possible in one or very few words. The description under the title is presented in logical order, is straightforward and well worded.

The preparation of job descriptions covering the full range of continuing employment in a municipality has been promoted by management consultants, supported by management staff and is being taken up enthusiastically these days by at least the largest of the municipal unions, the Canadian Union of Public Employees (CUPE).

With so much enthusiasm for job descriptions, it may seem surprising that these formal written statements have been prepared by only a small fraction of our smaller municipalities in Ontario. Furthermore, one highly successful personnel services officer calls them, at least privately, a necessary evil.

Full-length job descriptions are of two distinct types, though unfortunately, we think, some muncipalities employ a mixture of the two.

One type is intended to serve as a reminder of things to be done at set times or repeated at stated intervals. These list the routines of the work and the detail to be mastered. Sometimes such a description is called a duty roster. It can be quite a help to someone new in a job.

The other type focuses on the essential content of the work, the relationships to the work of others and to the public, the physical and mental demands placed upon the person, the importance of maintaining error-free performance, and the schooling, experience and aptitudes needed to hold the job. That is quite a different package. It presents a more penetrating picture and, if well done, can prove useful from a number of points of view. It is this second type of job description that has been branded a necessary evil, in the main because it is so hard or expensive to get adequately prepared and keep up to date.

Properly prepared and properly used, job descriptions can foster orderly work relationships, become the basis for fair and equitable pay and guard against advantage being taken of a worker either by his or her boss or by fellow workers.

Unfortunately, to produce job descriptions of high quality is extremely demanding work. It is not easy to write continuously in simple, straightforward fashion when describing jobs that differ greatly one from another, some easy to grasp, others unusual or complex. Moreover, as we see it, it is difficult, if not impossible, for a group of people to write a set of job descriptions for a municipality. A substantial number of people can help to gather material, contribute insight as to the significance of particular aspects of a job, prepare or review draft descriptions and put them into somewhat better order. The final wording and editing really ought to be the work of one or two persons at most. If that opinion is correct, it is no wonder that consultants are commonly brought in to prepare job descriptions. A person on staff cannot find the time. Similarly it is not surprising that these same job descriptions that have been obtained at considerable cost may be allowed afterwards to become out of date and thereby much less useful.

Is it enough to maintain job descriptions by means of an annual review? We think not. Job descriptions need to be kept current by reporting the need for an update wherever and whenever it occurs. If there is not that much importance attached to job descriptions then their role in defining municipal organization and measuring equitable pay levels should be cut back.

Cut back from what? Among the more common approaches to the preparation of job descriptions are those that develop a point rating for each position by assigning numerical values to the various factors that contribute to the overall demands of the job upon its occupant. The point rating score of each position determines how it ranks compared with other positions and, by the same token, the relative salary ranges of one position and another.

Factor ranking of jobs is carried out either by qualified personnel services officers or management consultants. It attempts a degree of exactitude that in the opinion of some personnel services officers and management consultants may not always be possible. It makes the preparation of job descriptions, which is acknowledged to be demanding work, more demanding.

In our judgment, few if any of the smaller Ontario municipalities ought to undertake to maintain a factor ranking system or other point rated form of job evaluation. Simpler job descriptions can be prepared more quickly and kept current more easily. The point should again be underlined: job descriptions lose much of their value when they are not continually updated.

In a later chapter we shall look at the use to be made of job descriptions in determining salary ranges and pay levels. The difference between job descriptions that do or do not use ratings to rank jobs will be discussed in that context.

In preparing job descriptions, it is common practice to close a list of duties and responsibilities with a final item that reads "other related duties" or "other assigned duties." Where one of these terms appears, municipal employees often wonder out loud whether this closing item does not negate the whole purpose of listing duties and responsibilities. Our reaction is quite different.

To begin with the term "related" is decidedly narrower than the term "assigned." If there is to be a catch-all item to cover work added from time to time, we favour the expression "assigned duties." In an atmosphere of cooperative performance it seems perfectly reasonable for bits of work to be assigned, or taken on voluntarily, that lie outside a person's settled work demands. Where such an assigned duty becomes continuous, however, and is significant, it should be built into the job description as an expected element of the work. As such, it may justify a review of what the job is worth.

Employees, or those who represent them, sometimes seek to use job descriptions for two doubtful purposes:

1. to ward off all work that is not a clearly defined item in the employee's job description; and
2. to make any enlargement of duties, no matter how limited or easily accommodated, grounds for a hike in pay.

Modest, congenial changes in job content that do not place materially greater demands upon the worker ought to be welcomed, not made the occasion for adversary action.

A somewhat different approach to the preparation of job descriptions eliminates the need to conclude an enumeration of duties with a catch-all item. The way this can be done is to summarize the work content in such a way that it becomes obvious that the occupant of the job does things other than those listed under work content. The description of work content is intended to indicate the kinds, variety and elements of the work that are most important. When that type of job description is prepared the problem does not arise.

In concluding this chapter we emphasize that a job description sets out the work than anyone becomes repsonsible for when placed in that job. A job description does not say what John or Jane Doe does but what any person is expected to do while holding that particular job.

In any one municipality two or more positions may come under a single job description. That is as it should be. For example, several field workers of a social services department are often qualified and expected to take on precisely the same array of field work although not the identical volume of each type of work. To all intents and purposes they are doing the same thing. The same job description tells the story for all.

PAY AND EMPLOYEE BENEFITS

In today's world, the employer and the state between them are expected to shoulder risks of disaster that dog a person through his lifetime.

In Ontario municipalities, if we exclude expenditures for capital purposes, close to half the dollars paid out are for salaries, wages and employee benefits. The employee benefits include provision for time away from work, health care benefits, retirement income and income when sick or disabled. Wages are paid to what we call hourly-rated workers; salaries to other municipal employees. Only continuing employees are eligible for the full range of benefits made available by their municipalities; benefits are more restricted for other employees.

There are differences in the hours that count as a full week's work between inside and outside workers. The latter usually work a longer day and week, and many are hourly-rated workers. It is common practice also for municipalities to add a small premium to the hourly pay rate for shift work. For the midnight shift, the premium is normally slightly larger than for the afternoon shift. Such differences are likely to be awarded in union contracts.

EMPLOYEE BENEFITS

This handbook is being written for a variety of smaller municipalities in which employee benefits differ substantially from one to another. In the very small municipalities, where there are no union workers and where it is more difficult to develop a comprehensive benefit package, benefits may be much below average. To illustrate, at the end of 1982, 347 of Ontario's 838 municipalities were not members of OMERS,[1] the only pension plan that these municipalities may use to provide pension benefits for their employees over and above their benefits under the Canada Pension Plan and the national old age security program. Presumably all or most such municipalities had populations of less than 2,000 persons.

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[1] The Ontario Municipal Employees Retirement System.

We hope this handbook will encourage the smallest municipalities to pay more attention to the need for employee benefits. We do not suggest that such municipalities should increase their expenditures in this area without regard for their taxpayers, but they may be able to get informal help in planning and developing a suitable benefits program from a larger neighbouring municipality, or from the upper-tier municipality, where they function within a two-level municipal structure. We believe also that employees are better served by being given an opportunity to obtain broad benefits whose cost they must share rather than being left without ready access to certain benefits that have gained social acceptance.

The spread of unions throughout Ontario municipalities has undoubtedly helped to extend the range of benefits available to municipal employees. The union movement has also improved the pay position of line workers. Where unions exist, good access to employee benefits is to be expected. Where there are not unions, sensible employers are taking the initiative to create adequate benefits coverage.

In this chapter we shall review the kinds of benefits that are being provided nowadays and offer some comments as we go. Because the choices open to municipalities in dealing with this subject are considerable, it is not practical to delve into the options in detail or advance definitive benefit proposals.

The Employment Standards Act[2] sets minimum standards for pay and employee benefits. These are applicable to municipal employees other than professional workers. There are also certain references to employee benefits in the Municipal Act.[3] We shall refer to these two Acts in our review of employee benefits.

Pay for Added Work

Line workers usually get paid extra for the overtime they put in. Appointed officers and other management staff ordinarily do not. Overtime is not desirable for any worker if it becomes chronic.

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[2] RSO, 1980, c.137.

[3] RSO, 1980, c.302.

Under the Employment Standards Act an employee must be paid overtime for any hours over 44 per week at one and one-half times the regular rate.[4] That is the minimum requirement. The provision does not appear to extend to management staff. Those paid overtime will get time and a half on regular work days and perhaps the same on Saturdays. On Sundays or holidays the overtime rate is commonly higher. It may also be higher where the amount of overtime on a regular work day extends the hours greatly. In addition to overtime pay, meal allowances may be given in defined circumstances.

In fire departments it is necessary to hold certain people on standby service at night and on weekends and holidays. This requirement will influence their pay one way or another. Standby pay as such may also be given at times to some people in a public works department to ensure their availability in threatened emergencies.

Some municipalities increase the pay level of a worker while transferred temporarily to a higher-paying job. That seems reasonable.

Time Off

Ontario employees are guaranteed a minimum paid vacation of two weeks a year.[5] Beyond that, the usual custom is to increase the length of the paid vacation with lengthening years of service.

Ontario workers are entitled to at least seven paid public holidays a year. The precise requirements are spelled out in Part VII of the Employment Standards Act, as is their definition of "public holiday," to be found in section 2. Most municipalities grant ten or more days, which will frequently include half-days immediately before Christmas and New Year's.

The traditional provision for sick leave permits an employee to accumulate sick leave credits, most commonly at the rate of one and a half days per month. When illness occurs, and is verified to the extent the municipality considers necessary, the employee will be paid for the time off in so far as it can be covered from accumulated sick leave. The Municipal Act recognizes the practice of accumulating sick leave and giving a gratuity for the unused credits when an employee retires or leaves his job. The Act limits gratuities to earnings at the employee's closing pay rate for one-half the number of days standing to the employee's credit or a half year's earnings, whichever is less.[6]

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[4] RSO, 1980, c.137, s.25.

[5] Details can be found in Part VIII of the Employment Standards Act.

The concept of severance pay from sick leave credits is questionable. On departure, should an employee be rewarded for the good fortune of good health while working for a municipality? Some municipalities have had second thoughts on the subject. They have bought out existing sick leave credits and adopted new policies under which new sick leave credits are not convertible into cash. It has been suggested to us that the practice of paying an end-of-service gratuity based on unused sick leave was recognized but made subject to a maximum payout because the right to accumulate a terminal gratuity has discouraged people from pretending to be sick when in fact they are not. Be that as it may, it is unfortunately a fact that sick leave has to be policed rigorously to minimize deception.

More recently, municipalities have begun insuring employees against the risk of long-term disability. It is becoming an accepted and valuable employee benefit. Where long-term disability insurance is made available, either at the employer's expense or as a shared cost, it works best when it is timed to leave no gap between sick leave coverage and disability that is diagnosed as long term. For example, the municipality's combined sick leave and long-term disability plan might allow continuous sick leave for up to seventeen weeks. At that point the illness can be reclassified as a long-term disability and insurance payments will take over.

It is our opinion that all municipalities should provide sick leave and long-term disability coverage in such an integrated plan. A municipality could then undertake to grant paid sick leave as needed from the commencement of continuing employment. There would thus be no need to accumulate sick leave credits. Severance pay, if continued, would be an entirely separate matter and might be confined to separations at retirement.

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[6] RSO, 1980, c.302, s.208 (para. 47).

Combined with the sick leave coverage, provision would be made for long-term disability insurance. The two might provide a source of income until retirement age brought retirement pension benefits. Such a comprehensive coverage plan could be made to work where worker morale is strong and policing of sick leave absences is rigorous.

Municipalities have to deal with a number of other kinds of leave, some with pay, some without. There is compassionate leave, with pay. It needs to be reasonably defined. There should be training and development leave for workers who go on short courses that will make them better at their jobs. It should be with pay. Persons on jury duty receive only nominal recompense for that service. Commonly the amount of lost pay is made up by the municipality. Persons with duties to perform for the union are usually granted leave without pay. Finally, under the Employment Standards Act, an employee is entitled to seventeen weeks of unpaid pregnancy leave, with conditions as set down in the Act. A further extension of leave is ordinarily granted when it is clearly desirable.

Health Service Benefits

The first of these is OHIP (Ontario Hospital Insurance Plan) coverage. OHIP is common to all municipalities with any sizeable number of employees. Most municipalities add supplementary hospital coverage and extended health care. A smaller number offer a dental plan. Finally, municipalities often keep people covered for their basic health and pension benefits while they are away on Workers' Compensation or sick leave.

Retirement Provisions

Municipalities that undertake to make contributions to pensions for their employees, other than to the Canada Pension Plan, may contribute only to the Ontario Municipal Employees Retirement System plan (OMERS), set up in 1963. An exception exists permitting past service contributions to another municipal pension plan that operated prior to July 1968.

Where a municipality has undertaken to join OMERS, an employee becomes an OMERS member on the date hired on a continuous full-time basis or, if the municipality so provides, when hired under some different arrangement. Participating municipalities also have the option of making their elected councillors members of OMERS.

OMERS pensions are calculated in relation to normal retirement ages of 65 years, except for policemen and firemen whose terms of employment entitle them to retire at 60. The pensions include benefits for widows, widowers or children of the member and deferred pensions or early retirement pensions for those members who retire between age 55 and the normal retirement age. When a person's age plus length of service totals 90 or more, early retirement is permitted with full benefits. Municipalities can also arrange for supplementary pension benefits for their employees or councillors.[7]

Full information on the OMERS pension plans is available by writing the Ontario Municipal Employees Retirement System, 2 Bloor Street West (Suite 2700), Toronto, M4W 3E2 or by telephoning (416) 967-0637.

The Municipal Act authorizes a municipal council to grant an annual retirement allowance to any employee a) with at least twenty years' municipal service, and b) who has entered the service of a municipality or local board prior to January 1, 1948.[8] The same Act sets maximum pension benefits for municipal employees and makes provision for the termination of approved pension plans and for the transfer of pension assets to OMERS.[9] The Act also contains the enabling authority for municipal councils to provide and later increase pensions for their employees, or "any class thereof" and their widows and children. Under the legislation, a union local could constitute a class of employees.[10]

Finally, those responsible for administering payrolls should of course recognize the need to make deductions for the Canada Pension Plan and under the Unemployment Insurance Act and, in addition, to make employer contributions under the latter Federal statute and under Ontario's Workers' Compensation Act.[11]

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[7] RSO, 1980, c.348. Also see Ontario Regulation 724, 1980 as amended.

[8] RSO, 1980, c.302, s.100.

[9] Ibid. s.117.

[10] Ibid. s.208(46).

[11] RSO, 1980, c.539, as amended.

Uniforms and Protective Clothing

Municipal employees, such as firemen and policemen, who are required to wear uniforms on the job normally have the uniforms paid for by the municipality. Municipalities also commonly furnish hard hats and protective footwear and glasses where the use of any of these is necessary.[12]

Car Allowances

Employees who need to use a car at work may be furnished with a municipally-owned vehicle or may be granted a car allowance for the use of their own vehicle. If the need for a vehicle is substantial, it should be owned or leased by the municipality; if not, a car allowance may be appropriate. The mileage payment is commonly larger for the low-mileage users and decreases as the mileage becomes greater. However, where a vehicle is required for only short distances, a standard mileage rate would seem appropriate.

Operators of municipal vehicles should not be permitted to use such vehicles for their private enjoyment. Persons with car allowances should not receive excessive payments in relation to the extent of the required car use. Control over car allowances is of course exercised through personal income tax legislation.

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[12] Authority to require use or wear of protective equipment, devices or clothing is contained in the Occupational Health and Safety Act, RSO, 1980, c.321.

EQUITABLE EMPLOYEE RECOMPENSE

Recompense may not be a word in common use nowadays, but it says what we mean: "The return for the work done." It covers the wage or salary and all the other employee benefits for holding down the job.

Most of Chapter 8 was spent talking about employee benefits other than basic pay. In this chapter we shall concentrate more on how one's basic pay is established and then maintained at reasonable and equitable levels.

Equitable, or fair recompense, means fair by comparison with other workers' recompense. We cannot say what is fair in absolute terms, only what is fair compared with others. Even without this comparison, however, we can say that someone's recompense is unreasonably low, if it is not a living wage. But if we describe a wage as unreasonably high we are again getting into a comparison with other people's earnings. Comparison is crucial in determining equitable recompense.

Employees are concerned that the total recompense for their work is fair and reasonable. Indeed, an employer who provides only those fringe benefits that the law requires had better offer a premium pay level if he wants workers.

How much it costs an employer to provide fringe benefits is not the sole or a satisfactory measure of the worth of such benefits. To illustrate, a new four-door sedan that has been reduced in price by $1,000 below the going rate is still no bargain to a person who is not in the market for a new car or is interested only in, say, a station wagon. Fringe benefits are not much valued by workers if the types and extent of such benefits do not fit the needs and desires of the workers.

Most of Ontario's larger municipalities now extend benefits that come fairly close to meeting this goal, as do an increasing number of smaller Ontario municipalities. There can be numerous differences in the details, yet the worth of the total package is not usually that far apart, until we get to municipalities with less than 2,000 population. Nevertheless, for proper salary comparisons, the positions on fringe benefits of the municipalities compared is essential.

A smaller municipality needs to compare notes with other smaller municipalities as to the package of fringe benefits that each is providing. That is not too difficult an exercise. To determine equitable pay levels for each continuing employee's position is much harder. One benefit package applies to most workers. The main difference is the reduction in benefit coverage of people who are not continuing employees. By contrast, each municipality has many different positions for which pay levels must be set. What is more, the work content of a position in one municipality is never quite the same as for the most closely comparable position in another.

It is hard to determine the right pay for a job to begin with. It takes work and thought to keep the pay level fair and equitable. How should a municipality go about this? The determination of fair pay needs to be approached differently for different groups of employees, for at least the management group and the line workers. In what we call the management group we include:

i) senior management people;
ii) professional and technical officers;
iii) middle management people; and
iv) confidential advisers and confidential secretaries to senior management.

Within the line workers group, smaller groupings have to be dealt with in different ways. The members of each union local that bargains separately with the employer is a group of its own. There are often four and sometimes more union locals. Four common groupings are police,[1] fire fighters, inside workers and outside workers. Line workers that are not unionized become a group on their own for pay determination.

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[1] Legally, police are without unions but, practically, a police association fulfils the function of a union local.

Looking at pay, a municipality must seek to answer these questions:

i) How much is a job worth? What should it pay?

ii) How much is a person worth in a job? At the start? As more experience is gained?

In all management jobs and, to a lesser extent in line jobs, the worth of a job is expressed as a pay range: the worth of the person in the job, as a particular pay level within the range. For example, expressed as an annual salary, a good position might pay say $30,000 to start, $36,000 at the top of the range. The $36,000 figure might be described as the salary a person should expect to earn when he or she has gained full competence in performing the job.

Some management officials prefer to view their salary ranges differently. They like to think that the pay for fully competent performance is reached somewhat below the top of the range -- for purposes of illustration, let us say in the above example at $34,000 per annum. Increases beyond that point would be granted only to those who demonstrate exceptional work performance. Such an approach is not, however, in common use.

Less emphasis on pay ranges in line worker jobs results from the role played by unions in salary and wage determination. Wage settlements commonly cover two years, sometimes less, seldom more. A salary range understanding can constitute an interference with bargaining that may concern labour, management or both.

The Association of Municipalities of Ontario has for some years provided its member municipalities with salary information. Recently the bulk of the information has taken the form of salary ranges for established positions. The use of such information requires the user to be quite clear on:

i) the work content of each listed position and the expected qualifications to hold the position (such information is commonly provided in written job descriptions, in most instances taking the traditional form);

ii) the intended meaning of the salary at the top of the range and, if different, the pay level that recognizes full competence in the job; and

iii) the broad content of fringe benefits in each municipality concerned.

There are other fundamental differences in the concept of salary ranges from one municipality to another. Let us look at them:

i) The spread between the minimum and maximum pay levels for a position may be small, large, or somewhere in between. The smallest might be 15 per cent or less; the largest might approach 50 per cent.

ii) In a single municipality, the percentage salary range spread from the bottom to the top of the range may be the same for all positions in the municipality, or it may vary according to the differing demands of the positions, being greatest for the top management position and smallest for the least demanding line job. Indeed, we have also seen differences in salary range spreads that seemed to follow no logic, to have no rhyme or reason.

iii) Workers in some municipalities may expect to proceed from the bottom to the top of a range by a yearly stepped progression that adds a uniform amount each year to the prior year's salary or wage. For example, if the starting salary is $30,000, there might be increases of $1,200 per annum for five years (i.e., 4 per cent of the base pay each year, making a 20 per cent total spread between the minimum and maximum pay levels). With five stepped increases, there would be six places in the range including the starting floor level.

If that same municipality had less steps in the range for more junior positions, two other examples might be as follows: A position with a starting salary of $20,000 might add 4 per cent to that base pay level each year for four years to a maximum of $23,200, for a total spread of 16 per cent. Further down the scale again, a position carrying a $15,000 starting salary might provide increases of $600 a year for three years only to a maximum of $16,800, resulting in a total spread of only 12 per cent above the base year's pay.

iv) In other municipalities where there is a stepped pattern of increases from the minimum to the maximum level of the range the increases may not be entirely automatic. The person whose performance is poor may have his or her increase withheld at the year-end. One year's increase may be missed altogether or it may merely be delayed some months until better progress is shown. On the other hand, an exceptional performer may receive a double increase one year. Or again, a worker may be awarded only half the normal annual increase for one or more years because of continuing slow progress. Where such departures from automatic increases occur, they will probably apply to only a small minority.

v) There is one further way in which salary range increases could be handled. A municipality could define the minimum and maximum pay levels without any commitment as to the steps by which the worker is to move up the scale. Increases would then be given strictly on merit. Under such a plan, salaries would be reviewed at regular intervals, perhaps annually, possibly every six months. At each review some workers would receive increases and others would not. Also, the sizes of the increases would vary both upward and downward from what might be regarded as the appropriate standard percentage increase for each particular position.

The first four ways in which salary ranges may be handled are described from practical experience. The fifth tells how salary ranges would have to be set up in a municipality that is totally committed to increases based on merit, although no Ontario municipality seems to use this method.[2]

For more than a decade, from 1972 through 1982, extreme inflation made any plan of salary ranges hard to administer fairly and constructively.

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[2] The closest approach to our theoretical merit plan that we know of is the salary range and pay determination policy adopted by the Regional Municipality of Peel in mid June 1980.

The understandable pressure of unions to get cost-of-living adjustment (COLA) clauses written into union contracts made the position more difficult. The problem arose in relating the desired COLA increases to other existing commitments for increases under salary range plans.

In this connection, we offer two comments:

1. Attention is drawn to the warning that the Ontario Municipal Personnel Association has sounded against relating wage rates to consumer price index changes without full recognition of the future obligations that such a course of action may generate.

2. Consumer price index increases have dropped off sufficiently to make COLA clauses much less attractive to labour than in an earlier period.

Nevertheless, until the value of the dollar becomes more stable and, by the same token, more predictable, the adoption by councils of formal plans of salary ranges will remain hazardous. Salary ranges that are over-generous will not offend the municipal employees but they will go against the interests of the community, which in effect is the employer.

At the best of times the development of a suitable pattern of salary ranges is a difficult municipal undertaking. Ontario's smaller municipalities should thus be cautious in their approach to this subject. The council needs to be quite clear on what it hopes to accomplish by adopting salary ranges for management and other non-union positions and how action in this area will impact upon union negotiations.

Another concern of municipal councils and top municipal management is the whole question of merit pay. In private enterprise an employer can be the judge of each worker's merit. He can give large increases to some, small increases to others and deny increases to yet others. In a public corporation, where the employer is an elected body and management has no financial stake in the operation, except as taxpayers, the merit principle, is in our opinion, decidedly more difficult both to introduce and to maintain. It is nonetheless an open question whether an orderly plan of pay increases that are automatic, or very nearly so, can continue to be regarded as an acceptable alternative to increases that seek deliberately to be based upon merit.

Another aspect of this thorny question is that no totally objective way can be found of measuring the merit of a person's performance on a job. Those who set about to measure performance can guide their judgements through a thorough understanding of what the job entails and by certain tests of the way a job is carried out. Greater fairness can be obtained by comparing the subjective judgements of two or more persons with the qualifications to perform such work. But the uncertainty of personal judgment in merit rating can only be held within limits, not eliminated.

In the circumstances, it is not surprising that unions continue to stress seniority and urge that it be rewarded by longer vacations, growing job security and expanded opportunities to be considered for promotion. Indeed, when service is not only long but reliable and increasingly knowledgeable and responsible, the worker deserves such consideration. And yet emphasis on seniority can threaten manpower producitivity if its effect is to play down performance. In municipal government the current interest in contracting out certain municipal functions may reflect concerns as to the productivity of the municipal work force.

We must be careful not to give the impression that merit pay adjustments are beyond the reach or interest of municipal management personnel in Ontario. In many of the larger municipalities that have the benefit of personnel services officers on staff the position of those employees not covered by collective bargaining is changing. Pay raises within defined salary ranges are no longer automatic and testing of work capabilities is reducing the emphasis on advancement through seniority. The need is for these changes to filter down to our smaller municipalities.

More will be said on the subject of merit pay in the next chapter. Meanwhile what needs to be recognized is that the orderly staffing of a municipality requires a network of interconnecting positions to be defined and given price tags.

In seeking to ensure fair pay for municipal work, outside comparisons need to be sought with similar positions in the local community and in other relatively comparable municipal corporations in Ontario, preferably close at hand but also, where necessary, further afield. These comparisons require due recognition of the differences between the positions being compared and the significance of such differences to salary determination. They also should take into account any substantial differences in the worth of total fringe benefits that go with the pay.

The practice of quoting the worth of municipal jobs in the form of salary ranges is now so widespread throughout Ontario that it has to be the main instrument for intermunicipal comparisons. Since the spread of the ranges will differ from one place to another, our comparisons should perhaps emphasize the tops of the ranges.

Now what about the form of the job descriptions? That is a subject we looked at in Chapter 7 but agreed to come back to later. This is the place to do so. In the larger Ontario municipalities it is common practice to produce job descriptions that are analysed and numerically rated to determine the relative worth of one job and another. Points are given for the amount of schooling and experience needed for the job, the degree of responsibility the job entails and the performance demands it makes.

Job descriptions that each include a point rating figure enable jobs to be ranked from the one that is worth the most to the job or jobs that are worth the least. They can be placed in a ladder arrangement, with the job that is worth the most on the top rung and others ranked below it. Those of approximately equal rating will be grouped on the same rung of the ladder.

A point rating system for ranking jobs defines what the jobs ought to be worth relatively, based on the qualifications a person requires to do the job and the extent of the demands that the job places upon a person who is qualified to undertake it. It is important to be quite certain that by these standards the municipality's salary ranges make sense. Point rating of job descriptions may also help to satisfy the occupants of municipal positions that their salary ranges have been scientifically determined.

However, the more important test of salary ranges is the market place. The municipality is bound to be more influenced by whether its jobs are competitively priced than theoretically soundly ranked. Hence the ranking of positions that emerges from a point rating system should be checked against the ranking of jobs in other municipalities by salary ranges or top pay levels and, to the extent possible, of the pay offered for relatively comparable jobs in the local community.

In the hard times that some communities have experienced recently the municipal corporation has had to be very careful that the salaries for its jobs were not high compared with the salaries offered in private enterprise in the local community. Such a comparison ought to be maintained by all municipalities in all times.

It is doubtful if more than a handful of Ontario's smaller municipalities are capable of developing a factor ranking system for point rating their positions without bringing in professional help. As the qualification for one job, formal schooling may be very important, for another, preparatory job experience, for another, aptitude for the work demands and for still another, the adverse conditions under which work must be performed. Thus, to be fair, the relative maximum rating of each factor to be considered has to be differently weighted, job by job.

In the circumstances, it is questionable whether point rating should be employed at all unless it is based upon careful ranking of the place that should be assigned to each factor to be considered in a comprehensive job description. Our view therefore is that smaller Ontario municipalities should not attempt to attach numerical ratings to their job descriptions. Going further, we suggest that such municipalities should consider professional help in preparing simpler job descriptions that need not be given point ratings.

For smaller Ontario municipalities our recommendation therefore would be:

1. that position descriptions be prepared for at least all management positions, taking our broad definition of what these would include;
2. that the position descriptions be kept simple and that there be no attempt at point rating except where the municipality employs a consultant who takes full responsibility for such an approach; and

3. that efforts be made to find wage and salary comparisons with positions outside the municipal service in the local community or in other communities close at hand and with municipalities elsewhere in Ontario, preferably close by, covering a sufficient number of the in-house positions to permit all municipal management positions to be ranked in proper order and given appropriate salary ranges.

RECOGNIZING STAFF PERFORMANCE

The best recognition an employer can give to a worker is his pay cheque. True or false? False! That at least is the opinion of Donald Heisel who wrote the chapter on personnel administration in a lengthy, respected volume, Managing the Modern City. Here is what he said:

> Many studies have established that workers seek more than paychecks from their jobs. Appreciation for work well done, a feeling of participation in decisions that affect them, and job security generally rate above pay in determining job satisfaction.[1]

Contacts made in developing this handbook have produced fresh evidence of a long-standing concern. The relationship of some municipal managers to line workers appears to be so scant as to be meaningless. Managers have sometimes been charged by line workers with volunteering nothing beyond crisis communication. If they are at all aware of the lesser events that colour the daily round of duties, they choose not to reveal the fact. Satisfying accomplishments, extreme frustration and utter boredom go equally unacknowledged.

It is not easy to change people. A manager who does not already see his responsibility to his workers is not likely to be transformed by speech-making. Nor can a worker who never helps out another worker be easily made to become more open-handed. The only real solution to a hard-core problem may be to replace the person who does not fit. And yet people do perform differently, depending upon the atmosphere of the work place, what is expected of them, and how their best effort is encouraged.

Management is now considered to include the responsibility to develop and maintain genuine understanding of the work needs of all who, technically, are classed as a manager's or supervisor's subordinates. It also, we should add, requires differences in status to be submerged whenever possible within an atmosphere of cooperative action and accomplishment.

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[1] James M. Banovetz, ed., Managing the Modern City (Washington, D.C. International City Management Association for the Institute for Training in Municipal Administration, 1971), p. 322.

To develop and maintain a positive work atmosphere by showing interest in how things are going, by arranging schedules to suit people's convenience, by improving the physical work setting, by enlisting cooperative effort, is all to the good. But it does not go far enough. Managers are expected to take note of worker performance on a continuing basis and to review and evaluate performance formally at regular intervals.

In 1971, when Donald Heisel wrote his statement on personnel administration, reviews of staff performance, at least among Ontario municipalities, were much less common than they are today. In many municipalities each supervisor of manpower is now expected to prepare annually or oftener some kind of evaluation of each person coming directly under him (or her). Such reports on performance are usually reviewed privately with each employee concerned. The employee is given an opportunity to read and discuss the ratings that have been given and the comments that have been made, chapter and verse. He or she is invited to comment orally or in writing on the accuracy of the report and to acknowledge, by counter-signing it, that he or she has been made fully aware of its contents. Whether this growing practice will prove a morale booster or the opposite depends on the skill and understanding with which it is carried out.

To bring this subject closer to the reader, on the next page we have drawn up a form that could be used by supervisors to record their opinions as to the performance of workers for whom each supervisor is responsible. The form is set up to compress the spaces that would have to be provided in order to permit a person completing the form to fill in all the required information and opinion. However the content and purpose of the form is, we believe, entirely clear.

The wording and set-up of this Review of Performance form is designed to help supervisors deal sympathetically with a highly sensitive subject. For example, where spaces are left to check the level of performance, three gradings are included for work that is satisfactory while, if it is unsatisfactory, it is merely to be indicated as below par. Again, the reviewer's comments on each aspect of job performance are invited only to be put forward in a constructive way. It accomplishes very little, if anything,

Town of Oshkosh

REVIEW OF PERFORMANCE

NAME_______________ POSITION____________ DATE____________ REVIEWER_____

	CHECK ONE OF THE FOLLOWING:			
	FIRST RATE	PRAISE-WORTHY	SATIS-FACTORY	BELOW PAR
UNDERSTANDING OF THE JOB				
Knowledge of the work				
Comprehension of instruction*				
Constructive Comment:				
PERFORMANCE STANDARDS				
Planning and organizing work*				
Quantity of work output				
Quality of work				
Dependability on the job				
Desirable work initiatives				
Observance of hours				
Absenteeism				
Grooming*				
Attitude to the job				
Constructive Comment:				
RELATIONSHIPS TO PEOPLE				
Receiving instruction				
Giving instruction*				
Problem solving				
With fellow workers				
With the public*				
As spokesman for the town*				
Constructive Comment:				
OVERALL PERFORMANCE				
Rating				

How to Improve it:

SIGNATURES____________________________ ____________________________

Reviewer Performer

*Where Applicable

to tell a worker that he is inadequate in some part of his performance unless the reviewer is able and willing to suggest how he might do better.

The aspects of a worker's performance that are listed on our form are not equally applicable to all workers. For example, we are not really greatly concerned about the grooming of the outdoor worker who is boring out a plugged sewer main. Or again, not all workers are expected to meet the public in the course of their work. An even smaller number have the responsibility of being an official spokesman for their municipality in some capacity. So that the intention will not be in doubt, certain items have been starred to make clear that they are only to be filled in if applicable to the job under review. For simplicity, however, we consider it desirable to use the same form for all employees, since this emphasizes that each employee takes on a considerable range of performance responsibilities once he or she comes on the municipal payroll.

In our Review of Performance form, considerable space would of course be provided for the comments that complete each section of the rating sheet and invite suggestions for improvement of the worker's performance overall. For some senior positions, the review presents an opportunity to lay out plans for improving the function for which the worker is responsible and, at the next review, to record the degree of success towards meeting that objective. Performance reviews thus bear a close continuing relationship to broader administrative management planning which is the responsibility of heads of departments and of the municipality's chief administrative officer or body, where such exists.

In the recent past, municipalities have gone about evaluating worker performance in a number of different ways. We give two examples.

Some evaluations carried out by supervisors have been kept confidential and not been shown to workers whose performance was under review. Even if seen by senior management, this does not guarantee that they were accurate and free from bias. We do not regard this as sound procedure.

Some local authorities have attempted to develop a system of self-evaluation. Each worker is asked to fill out an evaluation form on himself (or herself). The completed form is then reviewed and discussed in a group session that includes one or more supervisors and some of the worker's peers. Together the group tries to decide if the self-analysis is reasonably balanced and objective -- whether the worker has come down too hard on himself or let himself off too lightly. This approach requires a considerable time investment in performance reviews. It calls also for unusually strong sensitivity and leadership skills in the supervisor responsible for guiding the group review session. We think it more realistic to have a competent observer take on the performance review in the first place and then go over it privately on a one-to-one basis with the employee who is the subject of the review.

While the reviewer is expected to take the initiative in preparing each performance review, the subject should always be discussed with the worker before the review report becomes final. For new workers, it is good practice to furnish a blank copy of the review form a month or more beforehand in order that the worker may be aware of what is coming. For all workers, reviewers might discuss their intended ratings and any needed improvements in performance before these are committed to paper. Wherever possible, it is further desirable to reach agreement with the worker, if this can be done, on the steps that should be taken to better his or her performance.

Performance reviews should extend to every member of the continuing staff below the level of department head and should include union workers. Where there is a chief administrative officer or the equivalent, the reviews should also cover all remaining heads of departments. Taking it further, the review can be made to apply to all senior officials by council designating two or more of its members to constitute a review panel. It would be their responsibility to consider the performance of a chief administrative officer or of those officials making up an administrative board, where one or other of these administrative arrangements exists, or of all heads of departments, where no centralized administrative authority has been established.

Performance reviews should be carried out on all probationers for continuing positions towards the end of their probation periods. If such a review discloses one or more serious shortcomings in the worker's productive efforts, the municipality may have to consider either immediate dismissal or, at the very least, extension of the probation period.

What use should a municipality make of performance reviews? We suggest the following:

i) to help make and keep leaders aware of the potential of their work forces;
ii) to encourage leaders to identify performance problems and to help in resolving them;
iii) to identify staff training and development needs and opportunities;
iv) to motivate workers to perform in their present jobs up to their capabilities and to encourage them to set themselves goals for advancement; and
v) to enable the level of pay to be based on the level of performance, that is, on merit.

Initially, annual or semi-annual performance reviews should not be used to help determine pay levels. Before that stage is reached performance reviews must have been thoroughly tested and have become a well established part of the municipality's personnel policy. They must have gained widespread acceptance alike by council, administrative management and line workers. In addition, the bulk of the work force must be satisfied

i) that the performance review reports are being properly prepared;
ii) that all reflect thorough knowledge and a good understanding of each performer's work;
iii) that each review is being approached conscientiously and carried out thoroughly; and finally,
iv) that reviewer and performer can be expected in most instances to reach broad agreement on the appropriate content of the review and on the encouragement it gives the worker to improve himself.

To arrive at this level of execution will require reviewers to swallow their pride and revise some review reports after meeting with the performer.

Realistically, performers also require a right of appeal from the review report produced by an immediate superior. The channel of appeals should move up first to the official over the immediate superior and successively as required to the top level of appointed management in the municipality.

Adoption of reviews of performance taking the form we have suggested would make them an official part of the municipality's personnel management policy. The review reports would be placed on record in the municipality.

Performance reviews should not of course replace other less formal contacts between performers and their supervisors. If performance reviews do anything to discourage continual communication as the means of promoting goodwill and understanding throughout the work force they will have failed in their purpose.

Performance reviews are decidedly worthwhile, whether or not they play a direct part in pay determination. Gradually, they will result in better long-term recognition of both the degree of competence and the performance limitations of people in the work force. They will help stimulate rewarding use of in-service, correspondence and short-course training opportunities. They will help everyone concerned develop better attitudes to the fulfilment of work responsibilities. In addition, the reviews will extend the interest of those concerned in the municipality's performance goals and in the ways that these goals are being promoted throughout the municipal service.

Whether or not performance reviews can be employed directly to set the pay levels of union workers is at this time highly debatable, and likely to remain so. Nevertheless, performance records can become the force behind a carefully planned and staged program to achieve a high degree of merit determination of non-union pay levels. For this to be accomplished, it may be necessary to recast some of the dollar limits of the salary ranges, both minimum and maximum. The willingness of continuing workers to accept performance reviews as evidence of their appropriate pay levels will mean that these reviews have become a fundamental, constructive component of personnel administration in the municipality.

RULES FOR EMPLOYEES

In our everyday lives, we need some rules to make things run smoothly. This is true for a family living under one roof, for two teams engaged in a contact sport like football or hockey, for a crowd of people wanting tickets to a popular show and, not least, for the people who are brought together in the municipal work force.

In Chapter 5, we spoke about the smaller municipality's need to develop personnel policies through its council, and for its appointed administrators to establish practices and adopt operating rules that tie in with their chosen style of management. We expressed our preference for the kind of management in which the leader is a facilitator, not an order-giver; in which information is widely shared; and where work is planned to resolve problems, if possible by consensus, and programmed to maximize cooperative effort. Assuming such an atmosphere can be achieved, our contention was that the need for rules would be less.

We were talking of course about written rules. People in groups observe some rules without any need to put them in writing. For example, surely no municipality would think it necessary to spell out in writing that its municipal officials are not permitted to shout and swear when waiting on the public. Yet when a municipality has a score or more people working together, a few written rules can be desirable to avoid the confusion of everyone doing things in his or her own way and to encourage the workers to play fair with one another and support a common productive effort.

The matters that are a subject of rules are not necessarily important in themselves, yet the lack of them may create difficulties out of all proportion. As one illustration, office workers have come to expect one or two coffee breaks each day, yet without some rule about the length and timing of these breaks availability of personnel to serve the public and to transmit information as required could suffer seriously.

Who makes the rules for municipal employees? To begin with, certain rules emerge from the terms of Ontario's Occupational Health and Safety

Act. The municipality, as employer, must ensure that equipment, materials and protective devices prescribed for hazardous work are provided and used. The municipality must also furnish necessary information, instruction and competent supervision, and its construction supervisor must ensure that the workers use or wear the required equipment, protective devices or clothing and work in the manner prescribed by the Act.[1] To be certain of compliance with these dictates, rules must be laid down and strictly enforced.

Next, a considerable number of rules are always contained in union agreements. Where that happens, they are negotiated by a committee of management with representatives of the union. Before they take effect they must be ratified by council and agreed to by the union local.

Finally, some further rules for employees will be issued on the responsibility of senior management. If there is a chief administrative officer or committee, that person or body becomes the final judge as to what these rules will be and the form they will take. To gain the degree of worker backing needed to make them operative, however, these rules must be reasonable. Rules that are resented by the employees can be worse than no rules at all. On the other side, the more consideration each worker shows other workers, the less need there is for rules of the work place.

The modern approach to management seeks to minimize dependence upon rules. For example, in the late 1970s, General Motors began reshaping its labour-management relationships. In its Packard Division plant in Brookhaven, USA, a plant-wide worker committee proposed, and management accepted as policy, "No shop rules."[2] That goes further than municipalities can expect.

Where there is no senior administrative person or body, the heads of departments should meet and if possible, agree on a set of administrative rules. If they cannot find common ground as to the required rules they can do one of two things: let each department go its own way, or ask council or a committee of council to resolve their differences. If council passes a by-law to confirm its action, what would normally be an administrative decision becomes council policy. That is not a good idea.

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[1] RSO, 1980, c.321, s.13-17.

[2] William G. Ouchi, Theory Z, p. 188.

Under a council-committee system, the heads of departments need to meet from time to time to consider a variety of administrative matters. To avoid competitive jockeying leading to disagreement the chairmanship might be rotated from meeting to meeting.

What is the usual subject matter of municipal rules? Before answering that question, we should clear the decks by noting some regulated matters that are not classified as administrative rules.

First, the whole range of employee benefits that a municipality undertakes to provide have to be defined for workers and accepted by council as a matter of policy. These would include such things as the length of one's vacation, the number of statutory holidays and the conditions governing sick leave, health and pension benefits. These benefits are all matters to be set forth when hiring new workers. They are really part of the hiring contract.

There are other terms of hiring that are not employee benefits, but they are not administrative rules either. Here is one example. If there is a probation period for persons chosen for continuing positions, the term and conditions of the probation should be explained when making the job offer. And the prospective worker should be told beforehand that he or she may be dismissed from the job at any time during the probation without the employer having to show cause for the dismissal. It is well to have these points on record. The prospective worker should know also whether the municipality reserves the right to extend the probation period if it sees fit in order to satisfy itself that a new employee will be suitable for continuing service.

Where a municipality undertakes a review of performance within the probation period that fact should be made clear before the hiring. However, the arrangement is not part of the hiring contract and is therefore properly regarded as an administrative rule.

As a further example, the prescribed hours of work are part of the contract of employment. The prospective worker must know the starting time and length of the work day. However, the new worker may not be told in advance when his or her lunch time will be. Or again, unless hired to start work during the summer, a new employee may not be told that, in summer, the starting and quitting times are moved ahead.

Some subjects on which a municipality may set rules include:

1. What responsibility the municipality takes to orient new workers to their jobs, including such details as the particular officials made responsible for putting written material in new workers' hands and for explaining orally operating procedures and current work programs and objectives.

2. Who is to be notified, when and in what manner, when an employee is sick or unable to be at work because of some emergency situation.

3. What steps are to be taken in arranging one's vacation time, in changing the time reserved for a vacation or in applying for leave without pay.

4. What opportunity a term or task employee is given to seek continuing employment with the municipality.

5. How the municipality expects to cope with uneven work loads when they develop without warning, and if they become continuous.

6. Under what conditions a position may be reclassified and under what circumstances and in what manner the process may be set in motion by the employee or his supervisor or department head.

7. What course of action, spoken or written, a non-union employee is asked to pursue in order to lodge a complaint or state a grievance.

8. Finally, what stand the municipality intends to take if an employee is found incapable of fully effective and safe work performance

through the use of alcohol or drugs, or if an employee steals municipal goods or in some other specified or unspecified ways oversteps the bounds of acceptable conduct at work.

We have probably not included everything that a municipality is likely to consider making part of its administrative rules. However, our concern is less that we may be overlooking some needed rules than that municipal administrators might be encouraged by our list to make more rules than they actually require. A good practice might be for senior administrators to introduce new rules first as oral instruction only. When this is done the fact might be noted by the senior administrator. After a time, if the oral direction is not getting the point across, a written rule could be considered.

In what form should municipal rules be expressed? The rules that creep into union contracts tend to become regulations in legal form and wording. They attempt to cover the subject in such a way that there is no loophole by which responsibility to comply with the rule can be avoided. Rules expressed in this way encourage some people to challenge the rule-makers whenever they can, as much as they dare. Rules that foster antagonism unnecessarily damage the atmosphere of the work place.

Rules of the work place can cut two ways. Some rules commit the employer to do certain things for his workers. Others serve notice on the workers that they must comply with certain practices or conduct as defined by the employer, or suffer stated consequences. Still others create commitments for both parties. As a general approach, a rule book should, wherever possible, state what the employer is prepared to do for employees (rather than what is forbidden) and what is expected of them in return. On page 80 you will see illustrated the approach we favour. We have written up some rules on vacations for the mythical Township of Sleepy Hollow.

Obviously a rule in the form adopted by our imaginary township will not appear in a union contract. In saying this, we are not begin critical of unions for negotiating contracts that must have legal formality. What can be questioned is the degree to which subjects such as the timing of vacations have to be made parts of union contracts. If this kind of item is resolved with understanding and goodwill on both sides, it need never become an issue that requires either union or management to lay down the law in a union contract. On the other hand, we recognize that unions define certain matters as subjects for union contracts and will not back off if they can help it. From management's viewpoint also it may seem important to inscribe particular rules in union contracts in order that penalties for infractions will be certain.

In municipalities where all or some line workers are unionized, management may be tempted to take the rules that are written into union contracts and extend them wherever applicable to non-union employees. This is not necessary, and we question whether it is sound policy. But that is something we can go into a little further in the following chapter.

Three types of information, committed to paper, should be made readily available to all interested employees:

1. an up-to-date compilation of all personnel policies put into effect by council;
2. a straightforward description of the important management objectives, practices and techniques adopted by senior management; and
3. a complete set of the rules that municipal employees are expected to observe.

This information need not be distributed widely, provided enough copies are readily accessible in each important work place on an open shelf or table. Employees should be able to refer to this type of material whenever they wish without having to ask anyone for it.

VACATIONS

As a municipal employee you are entitled to an annual vacation of from 2 to 5 weeks, depending upon your length of service.

The vacation time you earn in each 12 month period is to be used within the following 12 months, unless you arrange sufficiently beforehand to hold over all or some of that time.

In the first year of service only, a new employee may arrange any time after 6 months to take all or part of the vacation time earned so far and the remaining time after 12 months.

If you arrange for vacation time sufficiently in advance, you can break up your annual vacation or take it all at once, just as you please. You are asked to put in your requests for desired vacation times as follows:

1. If you want one week or more in July or August, make a request on the form provided by the end of February.

2. If you want single days, you may request each such day orally 10 working days ahead.

3. For any other vacation plans, please submit the form 3 months before your requested starting date.

Requests for vacation times should be made to department heads by all their employees. Proposed vacation schedules will then be compiled by the department heads (excepting single days) and sent on to the chief administrative officer for information and any further adjustments before being distributed.

As you might expect, those with greater seniority will receive preference on requested vacation times.

COLLECTIVE AGREEMENTS AND EQUIVALENT ARRANGEMENTS

To some municipal councils, management staff and line workers collective agreements are old hat. To others they may still be an unknown quantity, first hand. Perhaps we should begin therefore with a background explanation.

The Ontario Labour Relation Act[1] makes provision for recognition of unions to represent municipal employees. Police and fire fighters are each specifically exempted from the application of the Act. Equivalent provisions are to be found in the Police Act[2] and the Fire Departments Act.[3] Under the Labour Relations Act, recognition can come about either through certification of one or more unions in a municipality or through voluntary recognition of a union or unions by the municipal corporation. Certification is by the Ontario Labour Relations Board.

Unions exist for the purpose of negotiating collective agreements with an employer, in this case a municipality or local board. They do so on behalf of those employees of a local municipality that they represent.

Once a union has been certified to represent certain municipal employees, it is obliged to embark upon bargaining with a view to entering into a collective agreement. Each group of municipal employees represented by a union can have only one collective agreement in effect at a time.

The Labour Relations Act defines generally the content of collective agreements and specifies more particularly certain subject matter that must be covered. Agreements contain provisions respecting the conditions of employment and the rights, privileges or duties of either or both parties to the agreement. Each collective agreement must provide (or will be deemed to include provision):

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[1] RSO, 1980, c.228.

[2] RSO, 1980, c.381.

[3] RSO, 1980, c.164.

1. for recognition of the union as the exclusive bargaining agent of the employees in the defined bargaining unit;
2. against strikes or lock-outs while the agreement is in operation;
3. for deduction and remittance of union dues from wages, when so requested, subject to stated exceptions; and
4. for final and binding settlement by arbitration, without work stoppage, of differences in interpretation, or departures from the terms, of collective agreements.

Where bargaining in good faith has failed to produce agreement, the Minister of Labour is prepared to appoint a conciliator at the request of either party. Should that approach prove unsuccessful, the Minister may act to replace the single conciliator by a conciliation board made up of one person each to represent the contending parties and a third person as chairman. Alternatively, he may inform the parties that he does not consider setting up a board advisable. If conciliation by the board does not succeed, the Minister may appoint a mediator, with equivalent power, to try again. And finally, under the Act, the contenders may at any time agree to refer all matters in dispute between them to either one arbitrator or a board of arbitration for final, binding determination.

It is important to recognize that action to produce agreement where the initial bargaining process has failed is, to the degree indicated, permissive. Bargaining efforts may not succeed and strikes or lock-outs may result. In practice, also, all the above steps may not be taken. The conciliation officer who is unable to effect an agreement commonly brings in a "no board" report. This leaves the parties in a position either to resort to binding arbitration or to strike or lock out after the required waiting period. It should be noted further that, under the Hospital Labour Disputes Arbitration Act, when the conciliation officer is unable to effect a collective agreement, the matters remaining in dispute must be decided by arbitration and hospital workers cannot strike or be locked out.[4] In the Act, the definition of "hospital" is broad enough to include a home for the aged.

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[4] RSO, 1980, c.205, s.1(1)a, 4, 5 and 11.

While a collective agreement is in force, the parties to the agreement seek to ensure continuing compliance with its terms. They are expected to be alert to the interpretation, application and necessary administration of the agreement. More particularly, union representatives are concerned to take up with the employer any grievances reported by workers they represent. However, every collective agreement must provide for final and binding settlement of all differences between the parties without work stoppage. To help implement that provision, the Minister of Labour is empowered at any time during the operation of a collective agreement to appoint a special officer to confer with the employer and the union in order to promote more harmonious relations between them. Furthermore, where specific provisions for compulsory arbitration are not written into the collective agreement, mandatory procedures for compulsory arbitration contained in the Labour Relations Act[5] must when necessary be followed.

From the outset, police and fire legislation has provided for compulsory arbitration of labour negotiations at the request of either party to the negotiations. The position is in sharp contrast to bargaining under the Labour Relations Act where resort to compulsory arbitration results only from agreement between the contending parties. More recently, police legislation has added provision for appointment of a provincial conciliation officer at the request of either party to assist the bargaining process.[6] Fire fighters legislation has not followed suit. A further distinction is more significant. Where no agreement is in effect and none is reached before compulsory arbitration brings agreement or, where compulsory arbitration is not requested, fire fighters may go out on strike. Under the Police Act, however, a member of the force who withholds his services is guilty of an offense punishable by fine, or imprisonment, or both.[7]

A collective agreement is required to have a minimum term of one year, except for the extension of an existing agreement while bargaining to replace it proceeds. It is common knowledge that agreements frequently continue beyond their normal term while negotiations run on, punctuated somtimes by repeated delays. Whatever the timing, where a work force is unionized, the intention is to establish and maintain a succession of collective agreements as the means of controlling and adjusting labour-management relationships. The process involves a continuing focus on legal rights and obligations and is further complicated by the procedures that must be followed, moving through the cycle of adoption, observance and replacement of successive collective agreements whenever differences between the parties become stalled or relationships become strained.

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[5] RSO, 1980, c.228, s.44.

[6] RSO, 1980, c.381, s.31.

[7] Ibid, s.71.

Unions as a fact of life in municipal government are of relatively recent origin. In 1948, the Government of Ontario provided for compulsory arbitration at the request of either party where the members of a fire or police department were unable to come to an agreement with their employing council or police commission respecting their working conditions.[8] Crawford's authoritative book made no mention of municipal unions anywhere throughout Canada, since municipal unions were only beginning to take shape at that time.

Where a municipality or local board is without present union organization is such a development to be resisted? Accepted? Encouraged? From the employer's viewpoint, the objective should be to create and maintain conditions of work that make union organization unnecessary.

To begin with, a municipal corporation that has no unions should make certain that it is complying with the laws governing conditions of work. Every municipality should know and meet the terms of the Employment Standards Act in its treatment of those workers coming under its terms. (Broadly speaking, managerial and professional personnel are excluded.) It deals with equal pay for equal work, required pay practices, hours of work, overtime pay, vacations and public holidays, leave of absence, benefit plans and termination of employment. Other Acts that cannot be ignored include the Occupational Health and Safety Act, the Ontario Human Rights Code, the Workers Compensation Act.

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[8] K. G. Crawford, Canadian Municipal Government (Toronto: University of Toronto Press, 1954), p.188.

Going further, the non-union municipality should determine and live up to standards of pay and fringe benefits that are appropriate to its circumstances and competitive with other employers in its area and of its type. The Employment Standards Act defines minimum practices that most municipalities should materially exceed. The job of the union is to bargain for good working conditions for the employees it represents. If conditions of work are already more than adequate the main incentive to organize is removed.

If a municipality, as employer, undertakes to provide pay and conditions of work that meet the realistic expectations of workers why should it oppose union organization? We suggest two reasons. First, unions must rely on a bargaining process to achieve and maintain union goals that is necessarily time-consuming and expensive. Secondly, unionization fosters adversary attitudes and formal determination of work procedures and practices that an enlightened non-union employer can largely avoid. Such an employer must of course always maintain an up-to-date viewpoint on pay and conditions of work.

What action, if any, should a municipality take when it learns that steps are being taken to obtain union certification of some or all non-management staff? It might consider the following:

1. Seek to demonstrate that its non-union policies are already keeping pace with expected pay levels and conditions of work. Unionization will add unproductive costs, therefore, for both management (through time taken from productive endeavours) and workers (through required union dues).

2. Inform the workers of these facts:
    i) Until a union is certified workers need neither to speak with union organizers nor to attend union meetings. They should speak to management if they feel they are being coerced or threatened in any way.
    ii) A labour union local may be recognized by mutual agreement of an employer and a union. If so, it can engage in labour negotiations but without guarantee of continuing status.

iii) Before the Labour Relations Board will certify a proposed union, it must first determine that the composition of the proposed bargaining unit is appropriate or can safely be defined later.

iv) Certification of a union requires the Labour Relations Board to be satisfied either that sufficient union membership exists to justify a certification vote or to warrant certification without a vote.

v) Where the Labour Relations Board calls a representation vote, it is by secret ballot. The fact that an employee has signed a union card does not prevent him or her from voting against representation of the employees by that union.

vi) Union organization requires negotiation between the employer and all the workers covered in the bargaining unit by their representatives. In the absence of a union, the employer can deal freely with workers individually.

What does the widespread certification of unions today, and all that follows from it, mean for municipalities? At first blush it might seem that the use of collective agreements to settle pay and benefits and determine working conditions for union members constitutes an unfortunate point of departure for the future course of municipal operations.

Why do we say that? To begin with, because repeated bargaining exercises, combined with the policing of agreements in between, can easily create tensions and stir up bad feeling. Indeed, some people engaged in bargaining enjoy conflict. It makes them feel important. Furthermore if strained relationships develop through bargaining, they can carry over and colour the continuing work atmosphere. Another concern is that each gain made through bargaining is likely to become part of the floor position for future bargaining. Collective bargaining can all too easily become a one-way street that keeps adding to the working man's rewards until the cost of public goods and services exceeds their value in the market place.

Are such negative consequences of union certification unavoidable? By no means. Wherever a union has been certified to bargain for municipal employees, the employer has no option but to give immediate serious attention to his required participation in the process. How well the employer performs will materially affect the outcome of collective bargaining.

The preambles in most collective agreements speak of such things as promoting harmonious relationships between employer and employee, bargaining in good faith, giving prompt attention to stated grievances. The employer must take all these undertakings seriously. The employer can influence the atmosphere of every negotiation by the conscientious way in which he takes on his responsibilities.

Except for services that come under autonomous bodies, such as boards of education, the employer is the municipal council. In the bargaining process, the actual negotiations are ordinarily conducted for council by management staff reinforced perhaps through a professional person brought in for the purpose. With or without that help, it is essential that the bargainers for the employer develop, in preparation for bargaining, a solid understanding of the pay and benefits that each type of municipal job under negotiation should command. That knowledge can only come through accumulating evidence of pay and benefits for closely comparable work, either in the home market, or adjusted as required to the conditions of the home market. Some of the necessary information is obtainable from the Association of Municipalities of Ontario or the Ontario Municipal Personnel Association. Some will have to be gathered by management directly. The former body, as noted earlier, compiles information for its members on salary ranges and fringe benefits. The latter body furnishes AMO annually with a "bargaining guidelines" report that helps determine the management thrust of the yearly labour negotiations.

People not familiar with municipal government might expect employees to be the party that is ill prepared for labour negotiations. That is not usually the case. Most municipal unions have national resources that can be drawn upon to buttress local knowledge and negotiating capabilities. The negotiators for employers are the ones who are more in danger of lacking capacity for responsible, effective bargaining. As stated earlier, municipalities have no choice but to engage professional help as needed to meet the union bargaining challenges in full and on time.

The Labour Relations Act permits either party to a collective agreement to give notice to the other party of its desire to bargain for a following agreement. The notice can be given as early as ninety days before the agreement runs out.[9] The employer ought to have proposals for a successor agreement mapped out and ready for discussion a full ninety days before the agreement ends. It should inform employees of the willingness to begin negotiations at the earliest possible time. That is one way to gain the respect of many a line worker. Indeed, if management's role in bargaining at all times reflects a genuine desire to maintain good working conditions and a sound understanding of what constitutes fair pay and benefits, settlements can usually be held within reasonable limits, of both time and terms.

What is the position of the municipality in which no unions have been certified? Obviously the employer has no less responsibility to deal fairly with the expectations of its workers on conditions of work, pay and fringe benefits. Management needs to be every bit as well informed about these matters. Pay levels should be reviewed and revised just as promptly and as often. Management should develop and maintain just as sound an appreciation of the needs and desires of line workers. The one major difference is that the consideration of all these subjects can be less formal. Complaints of labour and concerns of management can probably be resolved more quickly and more quietly. In short, the objective of management must be to demonstrate that the non-union employer is every bit as alert to the needs and desires of his line workers as the union employer. Anything less is an invitation to line workers to seek union certification.

In some Ontario municipalities some categories of line workers are unionized and others are not. In these circumstances changes in pay levels and conditions of work among non-union workers may follow the signing of collective agreements on behalf of union workers. The easiest stance for the employer to take is to grant non-union workers in their turn the same terms that union workers have gained through bargaining.

We see nothing wrong with close similarities between union and non-union conditions of work. However, the municipality makes a mistake if its management takes the time to discuss pay, benefits and conditions of work only with unionized personnel. As a minimum, non-union line workers should enjoy ready individual access to management to talk about future pay and conditions of work. It might also be helpful for management to prepare a policy statement on the subject for ratification by council following the signing of the union contract.

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[9] RSO, 1980, c.228, s.53.

The need to settle pay, benefits and conditions of work applies to more than line workers. Some person or persons have to resolve the same questions from time to time for management staff. Where a municipal administration is headed by a chief administrative officer, that individual may develop proposals relating to all management staff for consideration by council or a committee of council. Where there is no such official, a personnel committee of council will probably work out proposals with a committee of department heads. A CAO who knows his or her job will have some discussions with heads of departments and other management personnel before making an approach to council. These will probably occur individually and informally.

As with non-union line workers, settlements with management staff are likely to come after collective agreements have resolved similar questions for union workers. That is not to say, however, that the approach to pay levels, benefits and conditions of work will be the same for management staff as line workers. Management people are commonly given certain different or more generous benefits. For example, they may be provided with more group insurance coverage in relation to their pay levels; they may be given broader health care benefits; or they may be granted longer vacations in relation to their years of service.

The major difference in treatment between management and line workers relates to pay practices. Management personnel do not usually receive pay for overtime work. For middle management, the extra hours they put in from time to time may be traded for time off when that can conveniently be arranged. For top management, recognition of overtime is not usual in any form. A well-run municipality will not permit management staff to pile up long overtime hours that cannot readily be offset by time off. Indeed, as we see it, chronic overtime is unhealthy wherever it develops among municipal employees.

Finally, the wording of collective agreements is necessarily legalistic whereas the terms of non-union arrangements can be much less formal. The collective agreement becomes a subject for interpretation during the life of the agreement with implications for all workers bound by its terms. The equivalent undertakings of the municipality to its non-union management and line workers need not be interpreted in such blanket fashion. Questions raised by an individual may be settled to that individual's satisfaction and often need be taken no further.

TAKING DISCIPLINARY ACTION

In municipal employment, as in other work settings, things do not always run smoothly. A worker who is normally prompt begins to be late too often. Or someone who has turned out consistently good work becomes less reliable. When this sort of change is observed, the person in charge may have to draw a worker aside and quietly inquire what is going wrong and what can be done to help bring performance back to normal. That kind of interest in workers is part of the continuing management function. It is not at that stage a discipline problem, although if left unattended it may well become one.

The need for discipline is a recognized part of every collective agreement. Grievance procedures are also a standard part of collective agreements. Sometimes they may have to be used to prevent supervisors from becoming martinets. Grievances are a reminder that there are often two sides, or more, to a discipline problem.

In even the best managed municipalities disciplinary action is occasionally going to be required, human nature being what it is. Any genuine discipline problem tests a supervisor's or manager's capabilities, including his patience. When discipline becomes necessary, it has to be meted out promptly, fairly and kindly.

What are the discipline problems that municipalities have to be prepared for? A municipal employee needs to be disciplined when he or she:

1. continues to turn out too little work or work of poor quality;
2. makes repeated small work errors requiring correction;
3. repeatedly challenges essential rules, work routines or practices;
4. is personally responsible for a seriously damaging misjudgment or work error;
5. goes absent without leave, or explanation;
6. displays stubborn insubordination;
7. exhibits serious, work-related anti-social behaviour;
8. exhibits work-related criminal behaviour.

Discipline can have only two objectives: to produce a positive effect on the future performance at work of the person disciplined; or to bring about separation at the earliest opportunity and with minimum discord. Neither objective will be assisted through disciplinary action that generates immediate resentment and continuing ill will. When a person has to be disciplined repeatedly the exercise becomes obviously unproductive and unrewarding.

Disciplinary action can be required under two sets of circumstances: when evidence of inadequate performance has been building up over a considerable period of time; or when a worker oversteps the line of acceptable performance or behaviour far enough to require prompt investigation of the need for disciplinary action.

Whether faced with a sudden crisis or not, a person who must maintain discipline requires a well-planned approach to disciplinary action. Here is how he or she might go about it.

1. Go to work on the matter promptly. Find out the facts while they are fresh in people's minds.

2. Never act without knowing all the facts: who the offender is; whether one or more other persons have contributed to the problem; whether management's instructions or procedures could have been partly at fault; how, realistically, a repeat discipline problem can best be avoided.

3. Make quiet inquiries. Check your understanding of the facts with the alleged offender in private before going further.

4. Simmer down, before taking any disciplinary action. Some of the best letters to the editor are the ones that are never mailed. Some of the best hard-line discipline is the action that was reconsidered and never taken.

5. Weigh the concern at issue. Try and come up with a reasonable way to discipline the offender, something the offender can live with.

6. Test any proposed disciplinary action with someone before taking it -- your immediate superior, or one of your opposite numbers.

7. Be sure to get any required legal opinion or approval before acting. Where clearly necessary, put the problem into the hands of the law.

8. Remember that, literally, in law a dog is entitled to one bite. Can you take the same approach with the offending staff member? Should you say that you are prepared to overlook what happened this time -- but not again?

9. Call in the offender and take your disciplinary action privately. Describe the offence carefully and say why you feel bound to take it seriously. Where appropriate, illustrate what is wrong by examples. Let the offender respond. Weigh the reply and be prepared to reconsider your stance. Say that you are hoping for a real improvement as a result of this unfortunate situation. Or, if you cannot honestly believe that, say that the best answer for both parties would seem to be to part company, before things get worse.

10. Keep a private file, detailing for your own information the precise circumstances of each serious disciplinary lapse of an employee coming under your supervision and of your response to it.

11. Content yourself with a verbal reprimand unless you have reached the point where you fear separation may be necessary. In that case, document your recurring problems to avoid being tagged with wrongful dismissal. The procedures to be followed leading to dismissal are presented in the concluding section of this chapter.

These are the only effective ways we know of reducing the need for discipline:

1. Find out as much as you can about each potential employee before hiring. Even when you know a prospective employee personally, do not fail to obtain and check out references. Never give anyone continuing employment a) without a probation period to try each other out, and

b) without being convinced that you know the new worker and have every reason to believe he or she will fit in. Never extend the probation period if the signs are negative -- only if it requires longer to determine the employee's work capabilities.

2. At the first sign of a serious problem, let the worker know of your full concern. Wonder out loud if the job should continue. Challenge the worker. A turn around can make for a satisfying work relationship. Failure to change can lead to only one thing -- separation -- and if that's the case, the sooner the better for both parties.

3. Develop and maintain positive management practices. Keep current information on the employee's home circumstances, participation in community affairs and any self-improvement activities. Recognize the worker's ego. Acknowledge his or her accomplishments. Draw out the worker's best efforts. If the current occupation does not make this possible, tell the worker to look for something more challenging. You'll not stand in the way.

Dismissals

Those who supervise the work of others have to learn to work with people. Their direction and discipline of others should always be kindly and positive. The objective is to kindle cooperation and to keep the work atmosphere pleasant and productive. One should seek to ensure that separations, when they occur, are never impulsive and are always on friendly terms. Unfortunately the latter goal cannot always be realized.

At some time most supervisors will have to recognize that a particular employee is not working out and is not prepared to move on voluntarily. In such a situation the supervisor should first ask himself or herself: Is there a personality problem between this employee and me? Might this employee be able to serve the municipality to advantage if placed under a different supervisor? Can such a change be reasonably arranged?

Where that is not a feasible answer, the supervisor has no choice but to take the required steps leading to dismissal of the employee. What are these steps?

1. Commit to paper the cause for dismissal as you see it in as factual terms as possible. Do so whatever the employee's job status (from probationary to long service employee.) Be careful to set out all the evidence of the employee's serious shortcomings that you have noted from time to time.

2. Put the case confidentially to your immediate superior. Make it plain that you regard dismissal as necessary, now or later. Seek confirmation of your opinion. Suggest consulting a suitably qualified solicitor as to how and when to proceed.

3. If, after such consultation, the case for dismissal is considered sufficient, proceed to give the employee notice in the manner that the solicitor thinks best.

4. If more evidence is thought necessary, advise the employee by letter, in the manner recommended by the solicitor, that his or her job is at risk for the reasons stated. List the changes required to restore him or her to good standing. If the employee is a union member, provide a copy of the letter to the union secretary.

5. Proceed to document further grounds for dismissal, if such occur, and to so advise the employee by letter. A second formal complaint will perhaps warrant a union employee to meet with his supervisor and a union official in order to review the letter and consider the employee's position.

6. If and when sufficient evidence is accumulated, proceed to give the employee notice in the manner that the solicitor thinks best.

Some municipalities make use of a series of written reprimands in standard form and of growing severity. We have doubts about that practice. The circumstances leading to dismissal cannot be expected to follow a set pattern. The number of infractions warranting dismissal is dependent upon the seriousness of each and their cumulative impact.

If is common practice to suspend an employee whose conduct has proven sufficiently disturbing. That form of rebuke may not be appropriate. A short suspension may not prove sobering. Indeed it may be treated as an unexpected vacation. We know of one such case. A longer suspension may produce financial hardship for the employee or the employee's dependants. An alternative that the City of Cincinnati has used is to suspend the employee's vacation. However, punishment is not likely to turn an employee's attitude around. When an employee will not respond to supportive measures, separation may be the inevitable solution.

We have urged the precaution of obtaining legal advice before undertaking to terminate a municipal employee's services for two reasons: legal actions for wrongful dismissal are becoming increasingly common; and case law does not exist to provide certainty of interpretation of the statute law on the subject.

If may nonetheless be helpful to sketch the legal position on dismissals as we understand it. The Municipal Act provides that all officers appointed by a council shall hold office during the pleasure of council. Among such officers, no chief administrative officer, clerk, treasurer or engineer shall be dismissed except, when so requested, after a hearing by council or a committee of the whole council.[1] That opportunity gives these four officials a measure of protection not shared by other officers appointed by council. Municipal employees other than officers appointed by council do not serve at the pleasure of council. They therefore enjoy greater protection from wrongful dismissal under the normal laws of employment. For such people dismissal without due notice is not to be expected except with compensation in lieu of such notice.

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[1] RSO, 1980, c.302, s.99.

GROWTH ON THE JOB

The best workers for a municipality or any other employer are those who each day encounter some excitement, some challenge and some opportunity to learn and grow on the job. That is just not possible with every type of work that must be done. Some jobs expose workers to dirt, others to noise, others to polluted air, high temperatures or all kinds of weather. Some jobs are not very demanding, and some are boring in the extreme. Yet where the people hired have the ability, the employer ought to be able to give them some development opportunities either in the work they are then doing or as preparation for a better job.

The number of soulless jobs depends in part on how the work is organized. We recall one municipality in which half a dozen employees of the chief administrator, clerk and treasurer were required to rotate their responsibilities until each of them could and did perform six different jobs reasonably well. Our impression was that each job was handled better than average, because with that arrangement everyone was more stimulated.

When people start work they usually require some staff training. If nothing more, they may need to become familiar with some strange surroundings and unaccustomed activities. Larger municipalities such as, for example, the City of Toronto, the Peel Region and the Town of Whitby, make formal provision for the orientation of new employees to their municipal work settings. While the arrangements in smaller municipalities need not be so fully structured, it is important that all municipalities help their new employees settle in by making sure that basic work routines and customs are explained clearly at the outset.

In the past many people began work as apprentices. They had had little formal schooling. They were expected to learn on the job and to be paid very little for their work because they were being given that opportunity to learn. Apprentice hiring is much less common today than it used to be, and few people now begin work with inadequate schooling. But some still do, probably on average more in smaller municipalities. In some places, people have been at school long enough but have not learned the right things because the school system has been weak. Then there are jobs that are unusual, and for which the schools do not prepare people. Indeed, most jobs have some features that are special, that new workers have not been able to learn in any school.

Jobs require two kinds of preparation. One is to know some specifics; the other is to increase one's understanding of the world in which we live. A lot of jobs draw on both kinds of learning. That would be true, for example, of the policeman or fire fighter. Specific training is designed to give people greater facility in performing set tasks. Broader types of education extend a person's horizons and make that person better able to do any work that departs from routines.

Staff training and development may take place at work either by instructing people as they work or taking them aside individually or in groups for classroom-type instruction related to the work. These are both forms of what we call in-service training.

It is becoming steadily more common for workers to have learning opportunities made available to them outside their own work setting. They may go to conventions or conferences that include some speeches or round table discussions related to their work. They may attend a half-day, day-long or two-day seminar. That is usually a more intensive learning experience. They may have the opportunity to take a short course at a community college, university or other training centre, lasting perhaps four or five days or as much as two to three weeks.

People who cannot go away for short courses can obtain training by correspondence. That has been an important way of making self-development available to employees of the smaller municipalities, and reaching those in even the most remote areas. In Ontario that is how staff training and development first got started in any substantial way. There was an exception to that in the earlier emphasis on in-service training of police and fire fighters.

Correspondence training began in the early fifties when Ontario's municipal assessors arranged for a three-year correspondence course through Queen's University at Kingston and organized a professional institute of assessors to back that learning opportunity. The lead taken by assessors, who are now for the most part provincial employees, was followed in 1956 by the municipal clerks and treasurers. The course was specially designed to help those who worked in the smaller municipalities where the clerk and treasurer functions are often combined. These staff training and development projects were slow to take root. Yet they met an obvious need and for that reason the numbers taking training and the strength of the training programs developed steadily. It was an operation bootstraps that gave a lead in that type of staff training and development throughout North America.

In the intervening years, staff training opportunities have made considerable strides. Special training colleges for policemen and firemen have assumed substantial roles in upgrading the qualifications of these municipal officials. The community colleges have been used to make clerk and treasurer training available through evening classes. The AMCT[1] courses are offered now in a dozen or more such institutions. Training by correspondence remains still an option, now through McMaster University. McMaster also conducts challenge examinations whose object is to maintain a uniform standard of qualification for the AMCT designation, wherever the instruction has been obtained.

Other municipal occupations have been upgraded by setting up limited special educational programs in the community colleges and universities. These include courses for purchasing agents, building officials, engineering technicians and technologists, parks officials, recreation directors and arena managers. In addition the AMCTO has extended its training activities, while a new training body has been created called the Ontario Municipal Management Development Board.

Supported by a survey it made of Ontario treasurers in 1979 and another of Ontario clerks in 1980, the AMCTO has launched a more advanced professional development program that leads to the designation Certified Municipal Officer (CMO). It is open to municipal clerks, treasurers and persons who have moved on to become chief administrative officers. The designation is earned through a combination of more advanced education, rofessional experience, participation in the activities of the association or some related professional organization, and performance that benefits the profession. Applications for this new standing have been accepted since early 1982. As this chapter is being written, over one thousand persons are qualifed to use the full or associate AMCT designation, while only some forty persons have so far earned the CMO designation.

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[1] Association of Municipal Clerks and Treasurers (of Ontario).

Starting with the 1982 annual conference, the AMCTO added a "How To" seminar for credit towards the CMO designation. Beginning with the 1982 seminar, these sessions have been videotaped for the later production of video-assisted training programs. They will include a videotape for rental use and an accompanying printed manual that may be kept as a permanent training aid.

Many of Ontario's municipal treasurers have also a professional accounting degree such as C.A., R.I.A., or C.G.A. Some clerks too have obtained other professional standing, the most popular of late being the designation Certified Municipal Clerk. It is awarded by the International Institute of Municipal Clerks.

The Ontario Municipal Management Development Board (OMMDB) was incorporated in May 1979 and began active operation toward that year-end. It was established with the support of the Ontario government by some twelve continuing associations representing various municipal professions and by the major associations that have since merged to become the Association of Municipalities of Ontario. The purpose of this new body was "to facilitate and promote management development programs for municipal personnel." It has been conducting seminars, usually sponsored jointly with one of the member professional associations. Seminars are given in various locations throughout the province and are developed to suit the particular needs of municipalities in the large, medium and smaller population ranges. The OMMDB has also produced a catalogue of pertinent education and training programs for the information of municipal officials.

More recently OMMDB embarked upon what was called an Institute of Municipal Management program. The program includes an academic core curriculum and allows further credits for other academic achievement and for employment experience. Three levels of management capability are recognized, designated as PMM (Professional Municipal Manager) I, II or III.

As a founding member of the OMMDB, the Association of Municipal Clerks and Treasurers is a strong supporter of the OMMDB's Institute of Municipal Management program. The CMO designation that the AMCTO awards gives the holder a credit towards the Professional Municipal Manager standing of the Ontario Municipal Management Development Board. Its institute training program is thus clearly recognized as more advanced than the training to become a CMO. It is also directed to a broader constituency of municipal officials seeking careers in municipal management.

With respect to both these training programs, the important point to recognize is the strong initiative on training that has come from municipal employees. They are very conscious of the need for stronger educational qualifications to enable municipalities both large and small to perform up to desired standards.

In the spring of 1983, the Ministry of Municipal Affairs and Housing set up the Municipal Inspectors Training and Education Council to enlarge upon plans in the making by the Ontario Building Officials Association for a comprehensive educational program. Its purpose was to prepare these officials better for their required court appearances. The objective of the new sponsorship is to meet through one program these equivalent needs of building officials, plumbing inspectors, fire safety inspectors, property standards officers and municipal by-law enforcement officers.

It is indeed a period of municipal training and development activity! The employers of the municipal work forces -- that is, municipal councils -- are bound to take note of what is going on. Council members need to be concerned that the newly developing training is of genuine high qualify and immediate practical use.

The cost of these multiplying training opportunities is also an employer concern. In time, it might sometimes become a cost twice borne -- first when the municipality refunds the outlay on instruction by employees who thus upgrade themselves, and later when the employees gain higher pay levels that match the increased qualifications thus obtained. It is not that these costs should be rejected, rather that the benefits of staff training and development should always match their cost. Positive interest by elected representatives in employee development will help that to happen.

The OMMDB issued a booklet not long ago entitled "Preparing a Training and Development Policy." The subheading billed it as "A Guide for Municipalities."[2] It is a booklet that will interest a lot of municipalities because, essentially, it makes the point that all municipalities need to have some training development policy that reflects their appreciation of what training and development can accomplish.

DEVELOPING YOUR EMPLOYEES

The following point form statement outlines as we see it the main elements of training and development to be considered by smaller municipalities:

1. Development of your employees is promoted in two ways:
   - i) through meaningful work experience;
   - ii) through job training, on and off the job.

2. The objectives of job training include:
   - i) to speed up an employee's grasp of a new job;
   - ii) to help an employee to cope with changing job demands;
   - iii) to fit an employee to perform other jobs within his (her) present municipal work setting (such jobs may or may not be more demanding than the employee's current work);
   - iv) to stimulate the employee to seek advancement that requires him (her) to move elsewhere.

3. Job training can be provided:
   - i) where an employee works, either during or after working hours;
   - ii) through educational exposure at conventions, professional gatherings, seminars or workshops;

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[2] Issued in October, 1982 by the Ontario Municipal Management Development Board, 8 York Street, 7th Floor, Toronto, Ontario, M5J 1R2

   iii) through correspondence courses;
   iv) through short courses given within a teaching institution (university, community college, technical or business school, etc.);
   v) through courses combining instruction by correspondence with short intramural sessions;
   vi) through longer courses within a teaching instutition requiring leave of absence.

4. A municipal council should decide the extent of encouragement (if any) that it is prepared to give to each of the above training options through:
   i) freeing up the time of workers and their supervisors for training on the job or in the work place during business hours;
   ii) bringing outside instructors to the work place at no charge;
   iii) contributing funds to help launch or maintain suitable training programs for Ontario's municipal employees;
   iv) agreeing to reimburse an employee for the fees, or fees and expenses, of a work-training program that he (or she) has successfully completed;
   v) sharing the cost of a work-training program or course that an employee enrolls in, and meeting the remaining cost if and when it is successfully completed;
   vi) granting time off with pay to employees to attend short work-training courses that have been arranged sufficiently ahead of time;
   vii) granting leave of absence without pay for more extended periods of work-benefiting intramural education.

In addressing the subject for the smaller municipalities it must also be recognized that, in a formal sense, the ability to maintain training and development activities will vary inversely with the size of the municipality. Clearly the very small municipalities cannot become committed to extensive in-service training undertakings. That does not mean that their senior workers are unable to share their own work experiences with newer people on staff. Indeed, the small municipalities should be able to ensure that interested new employees get a good grasp of what municipal government is all about very quickly. Senior management personnel should be on the lookout to see that old hands share their know-how with new employees, generously and promptly.

Another job they must take on is to provide safety instruction and to maintain safety measures in all work areas where construction, earth-moving and other such activities take place. Larger municipalities will have a full-time safety officer. Smaller municipalities should be no less safety conscious. Someone should be given responsibility for this important task.

Beyond direct work instruction, small municipalities should, we suggest, consider bringing in outsiders from time to time to throw fresh light on business processing that all too easily may become dull routine. As one example, almost any municipality could benefit from an informed talk on how municipal employees can best approach their responsibility to serve the public. As another, a municipality does not need to be very large for it to benefit from holding occasional meetings of all staff. Through such general discussion sessions the interrelationship of one job to another and the distinctive features of each will become more apparent to the whole work force.

Middle management and line staff are, by our observation, much more interested in the self-improvement opportunities that seminars, short courses and correspondence training offer than senior management seems to recognize. In even the very small municipalities there ought to be a written policy statement endorsed by council that encourages all municipal employees to add to their education while on the job. A simple policy statement, approved by resolution of council, might take the form shown on the following two pages for the mythical County of Camperdown. Turn the page. Look at it now. Then turn back and read on.

Some municipalities may question the extent of staff educational opportunities they should support by granting time off with pay and/or meeting educational enrolment costs and, where applicable, travel expense. Should such expenditures be confined to direct technical or professional training that the employee requires to perform effectively in his or her present position? If a staff development request is for training to fit the employee for a higher post, should the municipality agree to pay where no such opening is in prospect in the municipality? What about a request for training to fill a position that does not even exist in the municipality in question, either because of its small size or the limits on its range of service

County of Camperdown

STAFF DEVELOPMENT ACTIVITIES

Be it resolved that:

1. This municipality recognizes the importance of participation by its municipal employees in municipal meetings of an educational nature and of staff development through correspondence training and attendance at seminars, training programs or short courses. The participation in these activities is to be arranged so as to maintain the expected work coverage of all necessary and desirable municipal services. Ordinarily this will require arrangements to be made reasonably far in advance of each such occasion and funds to be available as called for in the annual estimates.

2. Within such reasonable constraints, this municipality encourages staff attendance at zone or district municipal meetings or seminars not necessitating overnight travel, and will cover all the required costs.

3. The municipal council will be prepared to authorize and meet the cost required for reasonable coverage of annual municipal conventions necessitating overnight accommodation, and will allocate appropriate staff time and funds for this purpose.

4. Municipal employees may by prior arrangement obtain full refunds of the cost of successfully completed correspondence training that directly benefits each applicant's current work.

   Where the correspondence training does not provide a full direct benefit but may be expected to result in self-improvement to a person in municipal employment, the municipality may agree to share all or some part of the training cost.

5. A municipal employee may arrange through the proper channels to attend a seminar, training program or short course that is expected to benefit directly his or her current work. The municipality will pay half

the estimated required cost in advance and the remainder upon satisfactory completion of the seminar, program or course, including passing any tests or examinations that are given.

Where such a seminar, program or course does not directly benefit an employee's present work but may be expected to result in self-improvement for a person in municipal employment, the municipality may agree to pay all or share some part of the cost. Where it does so, half the municipality's estimated contribution will be paid beforehand and the remainder upon satisfactory completion of the seminar, program or course.

For all such seminars, programs or courses, where attendance is satisfactory but performance is not, the extent of any remaining payment beyond the funds advanced beforehand will become the municipality's decision.

CERTIFIED COPY OF A RESOLUTION duly moved, seconded and adopted by Council on November 7, 1983.

CLERK-TREASURER

County of Camperdown
November 10, 1983

responsibilities? Our inclination would be to support promising employees through generous backing of their self-improvement aims. There are reasons for doing so. To begin with, staff turnover is not something to be resisted in all circumstances. A municipality is better off to have a succession of good people for relatively short times than one indifferent performer who has nowhere else to go. To have the willing service of an outstanding employee for even a limited time should benefit the municipality.

On occasion, an employee may complete a training program at the municipality's expense and resign within a very short time to move to another municipality or to leave municipal service altogether. What may look like a calculated manoeuvre may not be that at all. Good workers sometimes generate job offers without even trying. Word of their strong performance gets around.

An employer must surely assume that it pays to play fair with employees and to give them encouragement as people. Some employees will not respond in kind; yet they must be in the minority, and better not kept on the payroll.

There do have to be limits on municipal generosity. In our judgment, a municipality should not offer to support all comers in self-improvement plans except where they are directly related to the employee's present work or immediate promotion prospects. That viewpoint is expressed in the staff development activity statement you have just read. Our objective is not to avoid all responsibility to fund broadly based course work; the policy is phrased in a way that requires the applicant to take the initiative and make the case for some suitable share of employer backing for self-improvement plans of that type.

FOR THE RECORD

In this final chapter we want to say something about the need for, form of, and custody of municipal personnel records. Record-keeping is a basic responsibility of any corporate undertaking and, not least, of a municipal corporation. It is one part of local government management that all municipalities, even the smallest, should take seriously.

The two primary statutory officers that must be appointed in all municipalities, the clerk and the treasurer, are required by the statutes to maintain extensive records and to be responsible for their custody. Each of these people looks after some personnel records. The treasurer maintains payroll records that constitute basic information on all employees. The clerk is responsible for the council and committee minutes and the by-laws and resolutions of council. These always include some specific personnel matters. Important as this information is, it far from exhausts the municipal records required to support adequate personnel management.

On the following pages we present a classified list of the subject matter of personnel records that one might expect to find in all but the smallest municipalities.

CLASSIFICATION AND ORGANIZATION OF THE WORK FORCE

1. The organizational structure overall and departmental substructures as required, including block charts and explanatory information.

2. Authorized positions, by department, with best available job descriptions for each, including any by-laws defining the job content of senior positions and by-laws appointing municipal officers.

3. Comparative analysis of authorized positions and closely similar positions elsewhere for classification and pay purposes, updated as required, at least annually.

4. Up-to-date ladder classification of positions, covering at least all authorized management positions.

5. All recent requests or proposals for alteration of particular job descriptions.

6. Management study reports that take in two or more of the above matters, whether produced in house, by the province or by consultants.

BASIC FACTS ON PRESENT EMPLOYEES

7. Their job applications and interview information, including details of their education and work experience, letters of reference, work samples, etc.

8. Personal background information on their place or places of residence, their next of kin, their families, and so forth.

9. Their medical records.

10. Their training and development accomplishments and any self-improvement work in progress.

PAYROLL-RELATED RECORDS

11. Comprehensive payroll information on each employee, including tax exemption return, required Government of Canada and employee benefit deductions and any optional employee benefit or charitable deductions.

12. Vacation entitlements, current vacation schedules and any vacation time postponed.

13. Documentation of new personnel recruitment, selection and hiring activities, including advertising copy, interview rating notes, written references or notes of oral references, terms of job offers, etc.

14. Applications that are kept on file of outside persons seeking employment and of present employees seeking position changes.

15. Records of resignations, retirements, dismissals and deaths.

PERFORMANCE-RELATED MATERIAL

16. Annual or semi-annual and probationer Review of Performance reports. Other performance notations or comments updating and supplementing the reports.

17. Inquiries or complaints from the public relating to employees.

18. Grievances or complaints submitted by employees and notes of resulting action on each.

19. Documented performance problems or concerns, large or small, including any verbal or written reprimands and all records relating to suspensions or dismissals.

RULES, PRACTICES AND POLICIES

20. Consolidated, accessible compilations of administrative rules, management practices and personnel policies adopted by council together with related background material, including questions, concerns or reports on possible additions or changes.

21. Catalogue of available training and development opportunities, coupled with evaluations of or comments on the suitability and quality of the various offerings, and including potential sources of talent for in-house presentations.

22. Statements on unmet needs for new or improved accommodation, equipment, machinery or work-processing systems.

Municipal personnel record systems will differ from one municipality to another in a number of ways:

a) between central and dispersed locations;
b) in the use of manual and computer storage;
c) between unified and shared custody; and
d) in the extent of permitted access.

This is inevitable given the difference in size of municipalities, in the extent and locations of the municipal accommodation, in the use that is being made of word-processing and data-processing equipment and in the views held on confidentiality of information.

In all smaller municipalities, regardless of their form of organization, it would be advantageous to make one person responsible for knowing the extent and whereabouts of all personnel records. If that person happened to be the clerk-treasurer, he or she might also be charged with custody of all the records.

The requirements for storage of personnel records are twofold:

1. convenience of access by those making continuing use of such information; and
2. confidential custody of certain information by management personnel in order to safeguard all sensitive references to employees.

In municipalities beyond a certain size some personnel information must be available in the individual departments of government and also in a central management location, where such exists. In municipalities headed by a chief administrative officer or body, the way to obtain the desired departmental and central access may be to maintain duplicate personnel files for at least some purposes. If the information can be stored by computer, duplicate records can perhaps be avoided.

Different municipalities have adopted differing attitudes to confidentiality of personnel information. In our judgment, it is extremely important to avoid public exposure of the personal aspects of employees' lives, including any and all problems of work performance. Not only should sensitive references to employees be kept out of public view; some references, in our opinion, should not be made available even to the employees themselves. One obvious example is a letter of reference. When letters of references are sent directly to the employer, they can be written with candour that would not be possible if given to the prospective employee for distribution. A person furnishing a direct reference is entitled to the protection of confidentiality from the person about whom he or she is writing.

Another form of information that should not be open to the employee is the documentation of performance problems kept by his or her supervisor. A supervisor ought to be free to make notes of performance problems, when they arise and are resolved in the work place, without reserve. If such notes become available to the employee, what is likely to happen? A supervisor who is not permitted to keep confidential notes on employee performance in official files may find it necessary to keep a second hidden set of files. That is not desirable.

If you look back through the classified listing of expected personnel records, you will certainly see a number of items that should be kept out of public view and a somewhat smaller list of information that ought not to be available to the employee himself. In one or both of these categories would be material from the following numbered items:

3, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 21 and 22.

Some people may contend that our list is too long. However, we are convinced that it is better to err on the side of excess caution when working with personnel files. Unthinking exposure of the weaknesses and difficulties that people sometimes face can do them irretrievable harm.

IN CLOSING

What We have Covered

1. This personnel handbook is for use by members of Council, management officials and line workers in Ontario's smaller municipalities, defined as those without personnel services officials on staff.

2. Our market takes in over 700 very diverse places. It includes local municpalities from over 25,000 to under 100 population and counties ranging to over 80,000. Many have no union workers. Most others are only partially unionized. The majority transact business through a traditional council-committee system; but a growing number are headed by CAOs and may function with little or no use of standing committees of council. Such differences affect personnel management needs and practices.

3. Whatever the form of municipal organization, the roles of elected representatives and appointed officials are much the same. The council is primarily responsible as a body for determining policies, undertaking financial and program planning, directing municipal operations and keeping tabs on administrative performance. The staff is expected to inform council members on their responsibilities, advise and assist them on policy-making, lend professional and technical support to financial and program planning and operate the municipal services. A council member who tries to give administrative orders or an appointed official who seeks to lay down policies is overstepping his authority.

4. Municipalities are people institutions. As such they are subject to continual change

   - o in the makeup of both elected bodies and administrative establishments
   - o in public service expectations, and
   - o in technological possibilities for provision of services.

Members of council and appointed officials each have a responsibility to anticipate change and to seek to maintain performance in the face of change. That is not always possible. It is important that those responsible face up to performance problems quickly and search out any outside help that may be needed to overcome them. Sources of assistance are suggested.

5. The work of any municipal government is directed by its council. Operating performance is the immediate responsibility of the person or persons who head its administration and take charge of the different municipal departments or functions. Administrators of larger municipalities can draw on the support of one or more people schooled in personnel services and skilled in labour negotiations. In smaller municipalities, these needs will not be as great. Yet some equivalent resources must be found and, in particular, smaller municipalities must prepare for the circumstances of union organization if and when this happens.

6. Municipalities engage workers under a variety of arrangements covering tenure, work time, form of payment and bargaining position. Ontario municipalities have not standardized the terms used to describe an employee's status. This handbook reviews the more common arrangements and presents a set of employee classifications that smaller municipalities might choose to adopt.

7. The handbook distinguishes among personnel policies that are set by council, rules of the work place that are laid down by administrative management and work practices that management adopts. It discusses the extent to which such items enter into union contracts. Attention is also drawn to the growing competence of workers, their increased expectations and some resulting changes in styles of management.

8. Council is responsible for the size and makeup of the municipal work force. It authorizes all hiring and takes immediate responsibility for filling at least all senior management positions. Where the municipal work force includes suitably qualified managers and professionals, it is suggested that these people be entrusted with filling lower rank

positions provided they come within council's authorized establishment. The handbook deals at some length with sound hiring practices and notes certain legal limitations on hiring.

9. Municipal government embraces a broad range of widely differing activities. That fact has encouraged the larger municipalities to develop written job descriptions covering all professional, managerial and other discretionary functions. The handbook makes a case for written job descriptions, provided they can at all times be kept current. It deals with the different uses made of job descriptions, both proper and improper. It favours the development of relatively simple descriptions for use by the smaller municipalities.

10. Besides pay, people in continuing employment normally receive a broad range of employee benefits. Those who work in the larger municipalities are clearly in this position -- the result, in part, of union efforts. Among the smaller municipalities access to such benefits has been far from uniform. It is hoped this handbook will help to bring them more within reach, without however imposing unmanageable costs upon municipalities as employers. The main forms of benefits are described in some detail.

11. In negotiating rates of remuneration of workers, an employer's objective is to keep them competitive with the remuneration offered for similar employment elsewhere. The comparison should combine pay and the worth of employee benefits. How much benefits are worth to an employee depends on their suitability as well as their cost.

12. It is difficult for municipalities to determine what is equitable recompense for some jobs. Most work for a municipality will differ considerably from work in private enterprise. It is hard therefore to find enough comparisons close at hand; and it is difficult to adjust comparisons for differing conditions between places further afield.

13. Where workers are unionized, collective bargaining will resolve both pay and benefit levels. The municipality's responsibility is to negotiate its contracts from a background of certain knowledge of each job's

content and of the most immediate comparative levels of pay and benefits.

14. Development of equitable recompense for management is even harder. It involves establishing salary ranges as well as pay levels. The handbook describes how job descriptions can best be used in smaller municipalities to help determine salary ranges. It introduces the question of pay level differentials based on the worker's performance, that is, on merit. It goes into this latter subject in depth because merit pay is just coming into use and is an issue of the future.

15. The basis of merit pay is periodic formal review of the worker's performance by the person responsible for his work. Performance reviews are a relatively new feature of municipal administration. Beyond helping to determine equitable pay, they serve other important purposes: they disclose the worker's potential, identify and help to resolve performance difficulties, determine staff training needs and motivate workers to perform and progress. The handbook suggests how to develop and gain acceptance for performance reviews. It includes a model review form suitable for adoption by the smaller municipalities.

16. How much need is there for rules in the work place? Not all that much. Where leaders are facilitators, not order-givers, where workers input on projects is invited and information is widely shared, mutual understanding can eliminate those rules that produce widespread worker resentment and hold others to a minimum. Basic rules are needed to ensure safety at work, to keep the work place orderly and workers informed and to meet commitments to the public. Subjects for possible rules are listed. Rules that are not part of union contracts do not have to be stated negatively or in legal terms.

17. All non-management workers, except those providing confidential support services to management, may join municipal unions or, for the police, a nearly equivalent bargaining "association." The police and hospital workers, including those in homes for the aged, cannot strike. Other municipal workers may strike, subject to the legislative provisions governing their collective bargaining. These are contained in

the Ontario Labour Relations Act, the Police Act and the Fire Departments Act. The handbook sets forth the legal position and prime purposes of unions. Where unions have not been accorded recognition, alternative ways must be employed to stabilize labour-management relations. In addition, the employer (the municipal council) must satisfy the legitimate requirements of management staff for reasonable remuneration and conditions of work.

18. How should a smaller municipality react to efforts to organize all or part of its work force? The rights of the municipal employer are explained and actions deemed constructive are described. What is the result of union organization if it comes? It depends upon the degree of responsibility and the extent of preparation with which the employer meets this new challenge. Municipalities must be alert to the legitimate concerns of both union and non-union workers if they are to maintain good and productive working conditions.

19. Workers, being human, do not always live up to their commitments. Occasional lapses occur. But management must be alert to such happenings in order to forestall more serious breaches of discipline. The handbook lists eight kinds of employee shortcomings that call for disciplinary action. When discipline becomes necessary it should be meted out promptly, fairly and kindly. Also, the person who must maintain discipline needs to know exactly how to go about it. The handbook lists eleven elements of a well-planned approach. It further suggests ways to reduce discipline problems over time.

20. Discipline is most difficult when dismissal seems inevitable. Once a supervisor becomes convinced that an employee will not give future satisfaction the only realistic objective is early separation, if possible on friendly terms. But first, the supervisor should ask himself whether the employee could do better in another part of the administration — under different supervision. Where that is not practical, there is no other choice: steps must be taken to remove the employee from the municipal service. Such action requires prior documentation of performance problems and legal advice to avoid suit for wrongful or precipitate dismissal.

21. When a municipality takes someone on staff, it should give each new employee more than a set job to do. It should

  - provide instruction that will help the worker to appreciate and adjust speedily to the demands of the new job
  - make each new staffer aware of the broader work setting into which his or her job fits
  - point out to new employees opportunities for further training both to improve performance on the job and to fit workers for later advancement, within the service and beyond.

  Many municipalities encourage their employees to improve themselves by making free training available in the work place, by allowing time and expenses to attend conventions, seminars and short courses and by meeting or sharing the cost of correspondence courses and external short courses. Interest in employee training and development is expanding rapidly. The growing opportunities are described in some detail, while the ability of smaller municipaities to join in such endeavours is discussed realistically.

22. Record-keeping is an important aspect of municipal administration. Two statutory officers, the clerk and the treasurer, have substantial responsibility for record custody. Some basic personnel information is to be found in the required records of each. The handbook presents a listing of expected personnel records, classified by subject matter. It emphasizes the need to maintain the confidentiality of personnel records. It contends that certain personnel records, such as letters of reference, should not even be open to the subject employee. A central record repository is favoured even if this means keeping duplicates of some material by departments.

What Help It Should Be

From the differing viewpoints of the council member, the appointed official and the line worker, we trust that this informal handbook will prove a source of useful information on municipal personnel matters. Each of these sorts of persons will probably draw upon it somewhat differently. All should see some value in it.

The handbook benefits through being written from an Ontario-wide perspective. Its author has worked in all parts of the province. Those who have advised on its content represent a broad spectrum of municipal knowledge and experience throughout Ontario.

The handbook provides comprehensive coverage of the elements of personnel administration. Read thoughtfully by a person committed to the interests of a particular municipality, it will surely suggest productive areas of municipal self-improvement.

For more information, write or call any of the field offices of the Municipal Operations Division. They are located at these addresses.

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